

responding with the number of the bond to which it is attached. The interest on said bonds shall be paid semiannually, and as the interest is paid the coupon representing the same shall be detached from the bond and, after being marked paid, shall be filed by the treasurer of said city and preserved as vouchers. Said bonds shall be issued under the seal of said city of Tucson, if it have a seal, and shall be signed by the mayor of said city and attested by the signature of the clerk of the common council.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. Mr. President, I ask for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I shall have to ask the Senator from Idaho not to insist on going on with the unfinished business this afternoon. The Senator knows that some few of us have undertaken to assist him in this matter. I am one of the few, but there is a meeting this afternoon of a subcommittee of the Judiciary Committee, which would have met this morning but for the fact that it was deemed important that the discussion on the financial or currency bill should go on. The parties are in the committee room now waiting for the hearing to begin, and it is absolutely necessary that I should be there, as I am a member of the subcommittee.

Mr. HEYBURN. Mr. President, I can dispose of the question in a moment. I shall not object to the bill going over after I have made a statement as to the status of the bill for the information of the Senate, which, I think, will be not only important but interesting.

Mr. President, we have proceeded with the consideration of this bill so far that up to the point reached when it was last before the Senate we have now passed over only sections 51, 112, 113, 114, 115, and 185. This brings up to chapter 10, which refers entirely to slavery and peonage, and involves, I think, only questions that being disposed of as to one section will apply to the chapter. After that chapter—and I desire it to appear so that the status of the bill will be exactly known—after chapter 10, which is the slavery chapter, there remain to be considered only sections 286, 319, and 326. I make this statement that the Senate may be advised that we have practically disposed of the bill, except as to the title referring to slavery; and, inasmuch as the former consideration of that chapter developed the fact that there were some wide differences of opinion, it may be necessary to have present a full attendance of the Senate when that comes up for consideration. I therefore have no intention at this time of asking that we proceed further, and I now ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). At the request of the Senator from Idaho, the unfinished business will be temporarily laid aside.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 17, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 14, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. SHERMAN. Mr. Speaker, I desire to present a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 208.

Whereas the President in his message to the Congress at its present session, on December 3, 1907, makes the following recommendation:

"We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the nation. These lands, because they form a national asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean;" and

Whereas there have been introduced into the House of Representatives bills for the acquirement of national forests in the southern Appalachian Mountains and the White Mountains, the same being H. R. 10456 and H. R. 10457, which provide as follows:

"That the Secretary of Agriculture is hereby authorized and directed, in his discretion, to acquire for national forest purposes, by purchase or gift, lands more valuable for the regulation of stream flow than for other purposes, and situated on the watersheds of navigable streams in the southern Appalachian Mountains within the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, and Tennessee, and in the White Mountains within the States of New Hampshire and Maine. * * *

"That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

"That the sum of \$5,000,000 is hereby appropriated to carry out the provisions of this act, out of any moneys in the Treasury not otherwise appropriated, and said sum shall be available immediately and until expended for said purpose: *Provided*, That the Secretary of Agriculture shall each year make a detailed report to Congress of the lands purchased under this act, and the cost thereof." Therefore be it

Resolved, That so much of the President's message, above referred to, which relates to the acquisition of lands in the southern Appalachian and White Mountains "for the use of the nation" be referred to the Committee on the Judiciary of the House of Representatives, together with the questions involved in the bills referred to, directing the Secretary of Agriculture to acquire for national forest purposes lands in the southern Appalachian and White Mountains, within the States named, with instructions to said committee to report fully at an early date their views as to the power of the Federal Government by legislation to acquire, by purchase, condemnation, or otherwise, the lands referred to in said bills, situated in the States mentioned, and to appropriate money therefor, and also what power and authority the Federal Government has by legislation to acquire for the purpose of forest reserves lands within a State wherein the Government of the United States has no public domain, and to make appropriation therefor.

Mr. SHERMAN. Mr. Speaker, following the reading of the preamble the resolution will make clear the subject-matter sought to be covered by this resolution. What is desired is to have the Committee on the Judiciary examine into the constitutionality of such action as is proposed by the bill which has been introduced in furtherance of the recommendation of the President in his last annual message.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that I have a similar bill providing for the Paloduro forest reserve and park on the head of the Red River in the State of Texas.

Mr. SHERMAN. Then precisely the same constitutional question is involved in the bill introduced by the gentleman from Texas that is involved in the bill which is referred to in the preamble to this resolution, and of course the opinion of the Judiciary Committee upon the subject involved in this resolution will cover the bill introduced by the gentleman from Texas.

Mr. BARTLETT of Georgia. Will the gentleman yield to me?

Mr. SHERMAN. Certainly.

Mr. BARTLETT of Georgia. The resolution reported does not contemplate the reference of any particular bill to the Committee on the Judiciary.

Mr. SHERMAN. Certainly not. It refers a constitutional question to the Committee on the Judiciary to report upon. It does not refer any bill; it does not confer upon the Judiciary Committee jurisdiction of any particular bill, but it does refer to the committee the legal constitutional question involved in the bill which has been introduced, and also involved in the similar bill introduced by the gentleman from Texas.

Mr. STEPHENS of Texas. I desire to state that is also before the Committee on Agriculture, and I presume it will not be transferred to any other committee.

Mr. SHERMAN. Mr. Speaker, I move the previous question on the resolution.

Mr. WILLIAMS. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. Oh, certainly.

Mr. WILLIAMS. Mr. Speaker, for the information of this side of the House I desire to state that this is a unanimous report from the Committee on Rules recommending the passage of the resolution introduced by the gentleman from Georgia [Mr. BARTLETT] and referred to the Committee on Rules. It merely provides that the questions that are stated in the resolution shall be submitted to the Committee on the Judiciary for an opinion on the law and the constitutionality of proposed legislation of a general character, as to how far the Federal Government can go into the States and buy up lands and convert them into parks and forest reserves and all that. It seemed to all of us, irrespective of party, on the Committee on Rules, that this was a question on which we ought to receive a report from a body of lawyers to advise the conscience of the House.

Mr. CURRIER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SHERMAN. I yield.

Mr. CURRIER. I assume that if the resolution is agreed to,

the Committee on Agriculture will defer any action until they get a report from the Committee on the Judiciary.

Mr. SHERMAN. I assume that the Agricultural Committee would not attempt to consider this bill or any like proposed measure until the Committee on the Judiciary had reported.

Mr. CURRIER. Does the gentleman think that we shall get a report so that action may be had this session of Congress.

Mr. SHERMAN. The resolution expressly provides for an early report on the part of the Committee on the Judiciary. Mr. Speaker, I ask for a vote on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be in order on the next legislative day after the passage of the appropriation bill now before the House, not to interfere, of course, with District of Columbia business.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day shall be in order on the next legislative day after the completion of the consideration of the legislative, executive, and judicial appropriation bill, not to interfere with District of Columbia business. Is there objection?

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER AT RICE, MINN.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LINDBERGH, a motion to reconsider the last vote was laid on the table.

PRINTING AND BINDING FOR COMMITTEE ON ELECTION OF PRESIDENT, ETC.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Election of President, Vice-President, and Representatives in Congress shall be, and is hereby, authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

REPAYMENT OF COMMISSIONS AND PURCHASE MONEYS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15660) to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives. In all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application.

Sec. 2. That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives.

Sec. 3. That when the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof.

With the following amendment:

Amend the title so as to read:

"A bill to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws."

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, I want an explanation.

Mr. MONDELL. Mr. Speaker, this bill was transmitted to the House by the Secretary of the Interior, with request for its consideration, to meet a condition that has arisen, owing to the recent practice of the Department in regard to payments made upon entries not confirmed and accepted. The present law provides that where an entry has been accepted, and it shall afterwards be found that the entry must be canceled for conflict or because erroneously allowed, the money shall be repaid. But about two years ago there were very considerable withdrawals made of public lands, and the registers and receivers were instructed that when an entryman came to make final proof and payment on entries within those areas, they should receive the money, receive the proof, but hold the same until the question of the validity of the claim should be finally passed upon by the Department. That resulted in an accumulation in the offices of the registers and receivers of large sums of money, and finally some three or four hundred thousand dollars had thus accumulated.

The officials of the Department did not believe it wise to allow these large accumulations to remain in the local offices, so they instructed the registers and receivers to transmit those sums to the Department, and they then went into the Treasury and could not and can not be paid out without some express provision of law. Now, in a very great majority of those cases, probably 95 per cent of them, the entries will be allowed, or have been allowed after examination, but here and there is a case where for some reason the entry can not be allowed and perfected, and as the law now stands there is no way by which the money paid can be returned to the entryman. Then there are the cases of excess payment. In the first instance payments are generally made on the maximum acreage of the subdivision of land entered; but when the case is finally approved payment is required only for the exact acreage of the entry. The acreage is sometimes less than 40 acres, 80 acres, or 160 acres, as the case may be, and those sums having now passed into the Treasury, whereas under the former practice they remained in the hands of the registers and receivers to be repaid by them, can now only be repaid by a provision of law.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will be pleased to do so.

Mr. MANN. As I understand this bill, it does not provide for the payment where there is fraud or attempted fraud—

Mr. MONDELL. That is true.

Mr. WILLIAMS. That express reservation is in the bill?

Mr. MANN. Yes.

Mr. MONDELL. Where an entry honestly made can not for some reason be perfected, where the character of the land after examination has proven to be not such as to make it subject to entry under a given law, or the tract has been found to be covered by a prior claim, in those cases repayment will be made.

Mr. GRONNA. There are also cases where overpayments have been made.

Mr. MONDELL. I have referred to the fact of excess payments. That is one of the provisions of the bill.

The SPEAKER. The gentleman from Wyoming requests that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and the bill be considered at this time. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws.

CURRENCY QUESTION.

Mr. WEEKS. Mr. Speaker, I have a letter on the currency question which I ask unanimous consent to print in the Record.

The SPEAKER. The gentleman from Massachusetts [Mr. WEEKS] asks unanimous consent to print a letter on the currency question in the Record. Is there objection?

Mr. WILLIAMS. Mr. Speaker, from whom is the letter, about how long is it, and the date of it?

Mr. WEEKS. This letter is written by Mr. Morton Frewen, an Englishman, who has given a great deal of attention to this subject, who appeared before the Committee on Banking and

Currency the other day and made a statement which is very lengthy, and he has compiled a résumé of that statement in this letter which will be of interest to the membership of this House.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection.

The letter is as follows:

21 LAFAYETTE SQUARE,
February 12, 1908.

DEAR MR. WEEKS: I think that the account I gave to-day to your Committee on Banking of Mr. Goschen's plan of currency reform is much too long and elaborate to attract public attention; but if I can condense the Goschen proposal and apply it to your existing conditions a short letter on such lines might be of use.

You recall that Mr. Goschen was chancellor of the exchequer in 1891. The Baring crisis at that time had demonstrated the weakness of our system of finance. Much of the full legal-tender money—gold or gold notes—which had been in the reserves of the banks would have greatly relieved the strain, and was and to-day is in the pockets of the people. The more acute the crisis the greater the tendency to increase this pocket and till money at the expense of the bank deposits. Such was the problem Mr. Goschen wished to solve. Himself a banker, he was also our greatest authority on international exchange; he was orthodox and monometalist; his mind was at its best, and he thought and spoke not hurriedly, but three months after the crisis, with that full sense of responsibility which attached to his official position. I mention this because the authority behind any currency proposal should be unquestioned and unquestionable. Mr. Goschen's plan was this: He proposed to subtract a sovereign (\$5) per capita of the legal-tender gold money carried by our people in their pockets and tills and to place this sum in a central reserve, to be available at any time of crisis.

But how was he to get hold of these thirty millions of gold? By what method could he purchase it? There was no point clearly in buying gold with gold, nor would he buy it with legal tenders; that way, he saw, lay inflation, and inflation would drive gold abroad, and thus defeat his object. Mr. Goschen proposed to buy the sixty millions of half sovereigns which are in the pockets of our people, giving them a small "token currency" note for 10 shillings (\$2.50), the legal tender of which was to be limited to 40 shillings. These notes were to be secured by silver bullion or coins. I hope I have made the point clear.

Let me recapitulate. Mr. Goschen wanted a large central gold reserve; he wanted to fill the void created by its subtraction with "token money," not with legal tenders. Thus he leaned to the side of currency contraction, because any expansion would raise prices of commodities, would thus increase our imports, throw the balance of trade against us, and drive out of the currency the very gold he wished to retain.

Such was the Goschen plan of 1891. It was worthy of its author—a careful banking measure to secure a new huge gold reserve, and thus to clear banking and speculation of some of their attendant risks. We in England buy silver at the market price (to-day 27 pence per ounce). We coin and issue to the public just as much as they will carry at 66 pence per ounce, so that to buy up the half-sovereign to-day and issue the small note secured by silver would cost 4 shillings for each half-sovereign (10 shillings).

The Goschen plan, announced in a speech at Leeds, January 28, 1891, was vigorously opposed by the "silver men" at that time. We regarded it as a "cowardly makeshift." We pointed out that prices were everywhere falling because of the shortage of gold in currency. Notwithstanding this—our chancellor of exchequer proposed to contract the full legal-tender currency to the tune of some thirty millions sterling, or 25 per cent of our entire metallic currency, and to issue in its place "pocket-money notes" secured by silver, which, on the chancellor's own showing, would not in any way support prices. It was a proposal to contract the currency. It is to-day a proposal to contract the currency, but the compensating advantages are at this time so very great that the objections we then found no longer exist. To-day, owing to the immense new gold supplies, prices of commodities are rising with unprecedented rapidity, and a plan such as this under review, which would retard the rapidity of this rise, would find few objectors. It is the rise of prices which makes from time to time a currency stringency. As you here phrase it, much money is needed "to move your crops," and of course "dollar wheat" requires more money to move it than is required by 50-cent wheat.

I can not, within the limits of this letter, explain fully the adaptation of the Goschen plan to your needs. If you adopted it you would purchase two or five or ten millions of outstanding gold certificates each month, and issue in their place small "token-money" notes representing fractional silver, the legal tender of these notes—this is the essential point—limited to \$10. I believe if you would make this plan a basis for proposals to our Government the proposals would be accepted with alacrity, and, perhaps, by Germany also. This would consummate fitly the Wolcott Commission of 1897.

The Goschen plan is much more valuable to this country than even to Great Britain. You need the security of a central reserve of, say five hundred millions of "free gold." The silver to secure the token-money notes would give employment and profit to your own mines, and far more important than even your financial security—immensely important though that is to your trades—the demand for silver to put behind these small notes would, even if spread over fifteen years, raise the price of silver bullion to a dollar an ounce. The effect of this rise in silver would be magical; it would raise all the exchanges with silver-using Asia; it would thereby greatly impair the ability of Asia to export to Europe such products as wheat, cotton, rice, timber, etc.—products which compete with your exports in European markets. And again it would build up your exports to Asia, which now languish with each fall in exchange—in other words, with each fall in the price of silver bullion. You are building the Panama Canal, amongst other reasons, to assist your trades with the Orient. A rise of 30 cents in the price of silver bullion, while giving that profit to your mountain States, would, by raising exchange with Asia, pay, and probably many times over, the entire cost of the canal. But these are not arguments, you will recognize, which apply with equal cogency to Great Britain. It is a saying with us "take care of the imports, and the exports will take care of themselves;" and we know that cheap silver does stimulate our import trade, and does reduce the price we pay for wheat, cotton, and much raw material. Nor have we any silver mines to benefit. Again, the government of India which has made the coinage of rupees a state monopoly, and sells these rupees to-day at a profit of 30 per cent—the rupee is selling for 16 pence gold, its silver contents are worth 10 pence only—made a profit of \$20,000,000 out of its seignorage

during its last financial year. The Indian government coined no less than 227,670,000 rupees. In deprecating the proposals of the Wolcott Commission in 1897, which would have restored the rupee to its former exchange rate, the government of India said: "The sudden rise in the rate of exchange would kill our export trade for the time at least." All these are valid objections to the Goschen plan as applied to England, though I admit the balance of advantage of financial security and reasonable rates for money easily bring down the other scale in its favor.

I anticipate here one objection, and that the locking up of \$500,000,000 of gold to confront a crisis which, given such a "war chest," is never likely to occur. Whether such a burden of insurance is too considerable, that is a matter for the decision of Congress. Perhaps one-half of the reserve might be loaned at call in Europe, under conditions which would make its immediate repayment secure. Possibly a portion might be loaned to your own railroads, and their bonds held as security for an emergency currency issue in case of need. Mr. Goschen apparently would have kept his reserve free and intact, and no doubt in such conservative methods is the more perfect safety.

Believe me,

Yours, very faithfully,

MORTON FREWEN.

The Hon. J. W. WEEKS, Member of Congress,
Banking and Currency Committee, House of Representatives.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. BINGHAM, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16882, the legislative appropriation bill, Mr. LAWRENCE in the chair.

The CHAIRMAN. If there is no further debate, the Clerk will begin the reading of the bill under the five-minute rule.

Mr. BINGHAM. Mr. Chairman, I understand the gentleman from Georgia [Mr. LIVINGSTON] does not desire more time for general debate on his side of the House, and there is no desire for debate on this side of the House, and I therefore ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will begin the reading of the bill under the five-minute rule.

The Clerk read as follows:

For mileage of Senators, \$47,000.

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment to the paragraph just read.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 1, page 2, insert:

"Provided, That the mileage of Senators, Representatives, and Delegates in Congress shall hereafter be at the rate of 8 cents a mile instead of 20 cents, as now authorized."

Mr. ENGLEBRIGHT. Mr. Chairman, I make the point of order against the amendment. It changes existing law.

Mr. CRUMPACKER. I confess the amendment is obnoxious to the rules of the House and subject to the point of order.

Mr. ENGLEBRIGHT. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Document room: For superintendent of the document room, \$2,500; first assistant in document room, \$2,000; assistant in document room, \$1,600; assistant in document room, \$1,440; clerk to superintendent of document room, \$1,440; skilled laborer, \$1,000; in all, \$9,980.

Mr. MANN. I move to strike out the last word. I would like to say to the gentleman in charge of the bill that I notice there is an increase in the salary of the superintendent of the document room of the Senate, not an increase in salary, but an increase in appropriation over last year from \$2,500 to \$3,000.

Mr. BINGHAM. That is a decrease.

Mr. MANN. There are a number of other changes in salaries, mostly increases in the House and the Senate, over the appropriations of last year. May I ask the gentleman whether all of these changes are changes which have been made under or in accordance with resolutions adopted by the House or the Senate, or whether the committee itself has arbitrarily made any increases in salaries?

Mr. BINGHAM. The one change the gentleman first referred to was because of the decease of the experienced official formerly connected with the document room of the Senate. The Senate on their own recommendation fixes \$2,500 as a salary in lieu of the \$3,000 that had been given to the gentleman deceased. As to the other changes, we have accepted several changes of the Senate without demur, on the general rule that we could discuss them with the Senate in connection with their necessities. The other changes in the House come from the resolutions of the House which we have with us and can read to the gentleman. The resolutions of the House have been followed without change in every particular, conceding to the subordinate force of the House that which the House recommended they should receive.

Mr. MANN. Have there been any changes made by the committee itself regardless of any action taken by the House?

Mr. BINGHAM. None whatever, save those recommended in the bill, which can be debated when we come to them.

Mr. MANN. I mean in the House force.
Mr. BINGHAM. No.
The Clerk read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$5,000; hire of horse and wagon for use of the Clerk's office, \$900, or so much thereof as may be necessary; Chief Clerk, \$4,000; journal clerk, \$4,000; stenographer to journal clerk, \$900; two reading clerks, at \$4,000 each; tally clerk, and enrolling clerk, at \$3,000 each; file clerk, \$3,000; disbursing clerk, \$3,000; printing and bill clerk, \$2,500; assistant to Chief Clerk, \$2,500; distributing clerk, \$2,250; index clerk, \$2,300; assistant enrolling clerk, \$2,200; docket clerk, assistant disbursing clerk, resolution and petition clerk, printing and document clerk, assistant journal clerk, stationery clerk, and assistant stationery clerk, at \$2,000 each; librarian, assistant enrolling clerk, and superintendent clerks, document room, at \$1,800 each; document and bill clerk, \$1,800; assistant to printing and bill clerk, \$1,800; bookkeeper, assistant in Clerk's office, assistant in disbursing office, two assistant librarians, and five clerks, at \$1,600 each; assistant file clerk, \$1,700; assistant index clerk, and one special employee in clerks' document room, at \$1,500 each; document clerk, \$1,600; locksmith, who shall be skilled in his trade, \$1,200; telegraph operator, \$1,400; assistant telegraph operator, authorized and named in resolution adopted January 15, 1902, \$1,400; three telephone operators, at \$900 each; three telephone operators, at \$75 per month each during the session; one night telephone operator, \$720; for services of a substitute telephone operator when required, at \$2.50 per day, \$450; stenographer to the Clerk, \$1,200; assistant in stationery room, \$1,200; one assistant in document room, and one messenger in file room, at \$900 each; assistant in library, and two messengers in disbursing office, at \$900 each; one page, \$720; attendant in charge of bathroom, \$1,000; three laborers in the bathroom, at \$720 each; three laborers, page in enrolling room, and janitor in the library, at \$720 each; messenger in Chief Clerk's office, \$1,200; janitor in file room, \$720; allowance to Chief Clerk for stenographic and typewriter services, \$500; in all, \$117,170.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill how many new employees there are in any section of the bill?

Mr. BINGHAM. Three telephone operators, at \$900 each; three telephone operators, at \$75 per month each during the session; one night telephone operator, at \$720, and for services of a substitute operator when required, \$250.

Mr. HUGHES of New Jersey. If it is possible at this time, I would like the gentleman to inform the committee and myself how many new employees are authorized under this bill, if he has the information?

Mr. TAWNEY. Does the gentleman from New Jersey mean in the entire bill?

Mr. HUGHES of New Jersey. Yes, sir.

Mr. TAWNEY. If he will look at the report accompanying this bill he will get the exact number.

Mr. LIVINGSTON. I will say to the gentleman from New Jersey [Mr. HUGHES], if he will get the report he can ascertain that.

Mr. TAWNEY. I will say to the gentleman from New Jersey, that there are twenty-seven. The net increase in the entire executive service here is only twenty-seven.

Mr. HUGHES of New Jersey. I will say to the gentleman from Minnesota [Mr. TAWNEY], that I have examined the report and I have that information, but I merely asked the question so as to lead up to exactly what I wanted to know—that is, how many of those new employees are in the actual service of the House and how many of them go to the new Office Building, if any?

Mr. TAWNEY. The gentleman is talking about two things. He asked first how many increases there were in the entire bill, including all the Executive Departments, and I stated twenty-seven. There are no new employees provided for the House at all, except the messengers in the Post-Office Department that have heretofore been authorized by the House. Now, the telephone operators we are not now paying, but we are paying the telephone company for eight operators, and it is proposed to appoint these operators direct and put them under the control of the Clerk of the House, so that he can control the service and the operators and pay them direct instead of paying the telephone company. So it does not amount to any increased compensation or increased expenditure at all.

Mr. HUGHES of New Jersey. As I understand the gentleman, this bill does not carry any other appropriation for employees connected with the telephone except those referred to.

Mr. TAWNEY. Except those authorized.

The Clerk read as follows:

Office of Doorkeeper: For Doorkeeper, \$4,500; hire of horses and wagon, feed, and repairs, \$1,200, or so much thereof as may be necessary; assistant doorkeeper, \$2,500; Department messenger, \$2,250; one special employee, John T. Chancey, \$1,800; one special employee, \$1,500; superintendent of reporters' gallery, \$1,400; clerk to Doorkeeper, \$1,200; janitor, \$1,500; twenty-five messengers, at \$1,100 each; messenger to the Speaker's table, \$1,200; fourteen messengers on the soldiers' roll, at \$1,200 each; twelve laborers, at \$720 each; two laborers in the water-closet, at \$720 each; ten laborers, at \$720 each; one laborer, \$600; ten laborers, known as cloakroom men, two at \$70 per month each and eight at \$50 per month each; female attendant in ladies' retiring room, \$720; superintendent of folding room, \$2,500;

Chief Clerk, \$2,000; four clerks, at \$1,600 each; foreman, \$1,800; assistant foreman, \$1,200; messenger, \$1,200; page, \$720; laborer, \$720; thirty-one folders, at \$800 each; two night watchmen, at \$720 each; two drivers, at \$840 each; two chief pages, at \$1,200 each; two telephone operators, at \$1,200 each; forty-six pages, during the session, including two riding pages, four telephone pages, press-gallery page, and ten pages for duty at the entrances to the Hall of the House, at \$2.50 per day each, \$12,650; horse and buggy for Department messenger, \$250; superintendent of document room, \$2,500; assistant superintendent of document room, \$1,800; clerk in document room, \$1,400; eight assistants in document room, at \$1,200 each; and one janitor, \$840; for the following for service in old Library portion of the Capitol (transferred from office of Superintendent of the Capitol), two attendants, at \$1,500 each, and one watchman, \$900; in all, \$171,205.

Mr. MADDEN. Mr. Chairman, I desire to make the point of order against the item for assistant foreman, in line 3, page 19; against the item two telephone operators on line 11, page 19; against the item forty-six pages, adding two, on line 12, page 19; against the item four telephone pages, instead of two, on line 13.

The CHAIRMAN. The Chair does not understand to what the gentleman raised the point of order.

Mr. BINGHAM. One assistant foreman, \$1,200, is the transfer of an employee now in the folding room.

The CHAIRMAN. The Chair did not understand the words to which the gentleman raised the point of order.

Mr. MADDEN. "Assistant foreman," on line 12.

The CHAIRMAN. Now the Chair will hear the gentleman from Indiana.

Mr. CRUMPACKER. I desire to reserve the point of order against the clause "twenty-five messengers, at \$1,100" in lines 14 and 15, page 18.

Mr. BINGHAM. I will state to the gentleman that that is the current law and not subject to the point of order.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. MADDEN. I simply desire to make the point of order on line 3, to which I have referred. That is a new position and a change of existing law. On line 11, there are two new positions of telephone operators created, changing existing law. On line 12 two pages added to the existing number, and in line 13 two telephone pages added. My point of order is that this is a change of existing law.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. BINGHAM. I would state to the gentleman that the assistant foreman is simply a transfer of an \$800 employee from the folding room to the new building, where it is their purpose to establish a folding room. It is the only change in connection with the entire folding room, and for your convenience.

Mr. MADDEN. I will withdraw the point of order against that. That is on line 3, assistant foreman.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. BINGHAM. As to the increase of telephone operators, the chairman of the committee will answer the gentleman.

Mr. TAWNEY. Mr. Chairman, I do not think the point of order lies to either one of these paragraphs—two telephone operators, at \$1,200. One of these operators, on the Republican side of the House, was appointed by and under the authority of a resolution adopted by the House fixing the salary at \$1,200 per annum. This bill simply carries that position at that salary in accordance with the resolution of the House. Now, the other operator, on the Democratic side of the House, has been detailed from another department, under the Doorkeeper, and is serving that side; and it is for the purpose of equalizing the compensation paid to these telephone operators, one serving on one side of the House and the other on the other side of the House. I may say that these two telephone operators are the two that attend to the long-distance business of this House for the individual Members of the House.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota what is the salary the resolution of the House authorized?

Mr. TAWNEY. The salary of the messenger transferred from the Doorkeeper's department to act as operator over here I am unable to state. I think, however, that it was only \$900. The House having authorized one long-distance operator to serve the booth on this side of the House, and the same service being allowed to the other side of the House by a detail from the Doorkeeper's department, the Committee on Appropriations thought that it was only fair and just that both performing the same service should receive the same compensation; and the House itself having fixed the standard of compensation for that service on this side of the House, we have allowed the same on the other side.

Mr. MADDEN. Well, Mr. Chairman, I believe no law exists under which these two places can be appropriated for. It is

true that at the close of the last session of the last Congress there was a resolution passed by the House recommending a certain employment of a certain man for a certain place, but I do not understand that that is a direction to the Committee on Appropriations to appropriate for these places. My opinion is that there is no existing law authorizing the appropriation for these places.

Mr. CURRIER. Will the gentleman yield to me?

Mr. MADDEN. Certainly.

Mr. CURRIER. At this session, and only a few days ago, a resolution was reported from the Committee on Accounts authorizing the employment of a telephone operator at a salary of \$1,200 to serve on the Republican side of the House. That was adopted, and the resolution was agreed to by the House, and constitutes an authorization for the employment of the man.

Mr. MADDEN. Well, I take issue with the chairman of the committee on the question of the need of the employment of these men. I believe, Mr. Chairman, that if we discharge nine out of every ten men employed in the service of the House that we will be doing a favor to the people of the country.

Mr. TAWNEY. If the gentleman will permit me, he should take issue with the House of Representatives itself and not with the Committee on Appropriations, of which he is a member, for the House has already authorized the employment and fixed the compensation.

Mr. MADDEN. At all events, Mr. Chairman, I believe that we are employing many more men than are needed. We are employing men whose services are not required at all, and certainly there is no authority of law for the employment of these two men, even though there may be authority for one. If the Chair insists that there is authority of law for one, I shall insist upon my point of order as to the other.

The CHAIRMAN. The Chair understands that a resolution was adopted by the House authorizing the employment of one telephone operator, at a salary of \$1,200 a year, and he also understands that a second telephone operator provided for in this paragraph—

Mr. HUGHES of West Virginia. If the Chair will pardon me—

The CHAIRMAN. The Chair will hear the gentleman from West Virginia.

Mr. HUGHES of West Virginia. On February 5 there was an authorization for one messenger in charge of telephones, and I wish to submit an amendment so as to authorize two instead of one.

The CHAIRMAN. The amendment would not be in order while a point of order is pending. The Chair understands the second telephone operator provided for in this paragraph has not been authorized by any resolution adopted by the House.

Mr. TAWNEY. I think that is so. There has been no authorization for employment of telephone operator at that compensation; he is now serving as a detail from the department of the Doorkeeper.

The CHAIRMAN. The Chair therefore holds that there is no authority of law by which the House can now appropriate for two telephone messengers at \$1,200 each.

Mr. TAWNEY. Before the Chair rules I want to appeal to my colleague, the gentleman from Illinois, who makes the point of order, that it is manifestly unfair for him or for the House to discriminate in the compensation paid to two employees of the House who are performing identically the same service, and I hope, in view of the fact, that he will withdraw the point of order and allow the authorization to go through.

Mr. MADDEN. If the two men are to be employed regardless of whether they should be employed, the fact that one is being paid \$1,200 and the other \$900 I think would be an injustice, and, in consequence of my desire to do no injustice to anybody, I will withdraw the point of order.

Mr. HUGHES of West Virginia. Now, Mr. Chairman, I want to renew the point of order on that special item.

The CHAIRMAN. The gentleman from West Virginia renews the point of order, and the Chair sustains it.

Mr. HUGHES of West Virginia. Now, I want to offer this amendment.

The CHAIRMAN. The amendment is not now in order, as there has been a point of order made by the gentleman from Illinois to the words "forty-six pages during the session," lines 12 and 13, page 19. The Chair will hear the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, this creates two additional pages without any authority of law.

The CHAIRMAN. The Chair will hear any gentleman on the committee as to the point of order.

Mr. TAWNEY. I understand that this is an increase of two

telephone pages, made necessary by the increased number of booths on the outside of the House.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to concede the fact that there is an authorization for only forty-four pages.

Mr. GILLETT. Mr. Chairman, I think the present bill carries forty-six pages, and the gentleman from Illinois is mistaken in his facts.

The CHAIRMAN. The Chair will ask the gentleman from Massachusetts how many pages were authorized by a resolution of the House?

Mr. GILLETT. I think, Mr. Chairman, I am mistaken, and that this is an increase of two.

Mr. MANN. Before the point of order is sustained, if my colleague will allow me—

Mr. MADDEN. Certainly.

Mr. MANN. I want to say that this increase of pages is caused by the increase of service necessitated by the new Office Building. Of course there will be many messages back and forth between the Capitol and the new Office Building, which will of necessity call for an increase of force. If forty-four pages were necessary before, an increase of two is very small, because the services of more than two pages is required, on an average, between the two buildings.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MADDEN. I will withdraw the point of order.

The CHAIRMAN. The next point of order is on the words "four telephone pages," in line 14.

Mr. MADDEN. That I maintain is also a change of existing law—I refer to the telephone pages on line 13, page 19.

The CHAIRMAN. The Chair will ask the gentleman in charge of the bill to call the Chair's attention to authority under which this appropriation is made.

Mr. GILLETT. Mr. Chairman, as I understand, that is not any change in the number of pages. That does not include any new places. It is simply including four telephone pages. We are changing the nomenclature, but not changing the number of pages or necessarily their duties. I think in an appropriation bill we have the right to designate them as we please, and call them telephone pages or anything else.

Mr. MANN. The forty-four pages have gone out.

Mr. LIVINGSTON. No; two of them have gone out.

Mr. MANN. But that includes the whole thing. There are no pages left at all.

Mr. LIVINGSTON. May I ask for information of the Chair, whether, in making the ruling, the Chair ruled out two pages or the forty-six pages?

The CHAIRMAN. The point of order was raised to the words "forty-six pages," so that those words go out of the bill.

Mr. LIVINGSTON. They all go out.

The CHAIRMAN. The three words—"forty-six pages."

Mr. LIVINGSTON. Then we have no pages at all.

Mr. MADDEN. Mr. Chairman, I move that the bill be amended so as to insert the language of the existing law.

Mr. GILLETT. Mr. Chairman, are there not points of order now pending?

The CHAIRMAN. There is one point of order now pending to the clause "for telephone pages," lines 13 and 14. The Chair understands the gentleman in charge of the bill to state that there is authority of law for the appropriation for these four pages, that these four pages come under the forty-four pages authorized by law.

Mr. GILLETT. Yes. The reason I make the inquiry is because it seems to me that no amendment is admissible until the points of order are all disposed of.

The CHAIRMAN. That is right. The Chair overrules the point of order made by the gentleman from Illinois to the words "four telephone pages." There is now pending a point of order reserved by the gentleman from Indiana to the words "twenty-five messengers."

Mr. CRUMPACKER. Mr. Chairman, my point of order includes "twenty-five messengers at \$1,100 each." I understand that it has been held repeatedly that a resolution of the House creating offices is a sufficient basis, of course, to authorize the Appropriation Committee to report an appropriation annually for the pay of those officers. The resolution fixes the salary of the officers. The resolution providing for messengers originally provided that there should be a certain number—I think fourteen, at \$1,200 each, and fourteen at \$1,000 each. That is the only basis in law for this appropriation. I believe it was in the first session of the Fifty-ninth Congress that the gentleman from Connecticut [Mr. HENRY] moved to strike out the appropriations that followed the resolutions that had been adopted by the House some time before, and to insert the provision that is

carried in this bill, or one identically the same, providing for the payment of a certain number of messengers at \$1,100 each. There is no resolution or law authorizing the payment or the employment of messengers upon a salary of \$1,100. There are two classes, one a \$1,200 class and one a thousand-dollar class; I think in two appropriations before this this provision has been carried, but of course it was simply for the ensuing fiscal year and does not constitute law in the sense of the rules of the House as applied to the question now before the Chair for consideration. I have little or no doubt that the point of order will lie, but I simply reserved the point of order to call the attention of the House to the fact that these messengers are serving here, that they are all necessary, and that they are serving at a salary of \$1,100 each. Before the change was made a couple of years ago half of them, at least, were receiving \$1,200 and the other half were receiving \$1,000. The House decided to equalize their salaries in the appropriation bill. The messengers as a rule come from the interior of the country. They are not residents of the city of Washington; they come here and attend the sessions of Congress, and I submit that \$1,100 a year is inadequate pay for efficient men to perform the sometimes rather delicate and polite functions that apply to the service of messengers of the House. I believe they all ought to be paid at the rate of \$1,200 a year, and by insisting in the point of order I could secure that salary for twelve or fourteen of them. The gentleman from Illinois [Mr. MANN] shakes his head.

Mr. MANN. Does the gentleman think that a simple resolution of the House has greater effect in law than an act of Congress passed through the House and Senate and signed by the President?

Mr. CRUMPACKER. It depends upon the resolution and upon the character of the act of Congress. The appropriation bill only purports to be legislation for one year, so that the current appropriation bill will not be legislation after the current fiscal year.

Mr. MANN. But a resolution does not purport to be current law for as long as one year.

Mr. CRUMPACKER. I want to complete my statement. The current appropriation bill ceases to be a law when this one takes effect. Therefore that kind of legislation is not law at all during the period that this bill is to operate.

Mr. MANN. Well, the gentleman would not contend that a simple resolution of one Congress could bind a succeeding Congress?

Mr. CRUMPACKER. I do not say it could bind a succeeding Congress. A succeeding Congress would have the right to deal with a resolution the same as a succeeding Congress would have to deal with any law. It can repeal a resolution or modify it, but I undertake to say that a resolution of either branch of Congress providing for its own internal affairs, affairs that are necessary for the administration of its business, constitutes law in the sense of the rule respecting appropriations. That question has been decided, and the Comptroller of the Currency, on one occasion in a decision, went into the philosophy of the proposition, and stated it to be that each House must of necessity be independent; that if each House had to depend upon the other branch for subsistence and appropriations to carry on its own affairs, it would not have that independence that is essential to a deliberative and independent legislative organism, and under the Constitution the Comptroller of the Currency practically decided that a resolution of this kind for this purpose is law in the general sense. And the decisions of the House, I think, are unbroken that it is law in the sense of the rules respecting the rights of the Committee on Appropriations to make appropriations.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. Does the gentleman contend that a simple resolution of the Fifty-eighth Congress has any effect whatever upon this Congress?

Mr. CRUMPACKER. Most certainly; a resolution for the domestic economy of the House of Representatives is the law of the House, like all other statutes, until it is repealed.

Mr. MANN. As long as that House continues in existence, but when it ends the law ends.

Mr. CRUMPACKER. I differ with the gentleman. Resolutions creating officers of the House are law until they are repealed. I do not refer to resolutions respecting the parliamentary procedure; each House must have its own rules of procedure.

Mr. MANN. The gentleman will pardon me; it is true that there are a series of rulings of the Chair, which have been very fortunate for the House, upon which we predicate appropriations upon resolutions, but the same series of rulings apply to existing appropriation law, and if you can hang the

present proposition on an appropriation bill to a resolution passed fifteen or twenty years ago that lost its force when that House adjourned sine die, you can hang the same proposition upon a law that is now in force. The gentleman, I think, makes a very fine distinction.

Mr. CRUMPACKER. I do not agree with the gentleman at all in his interpretation of the force and effect of resolutions reported and regularly adopted by the House creating officers for the administrative work of the House. They run and continue, in the sense of the rules of the House, applicable to appropriations until they are repealed. It has always been held that a current appropriation bill does not afford legal basis to justify the same kind of an appropriation for another year. That is only law for one year. That is a settled proposition, and the other question is equally well settled the other way. The decisions there have been that way, but, Mr. Chairman, I only want to impress upon the House the fact that while I believe this provision is subject to the point of order, these messengers ought to be paid \$1,200 a year, and in doing that I am in no way responsible for any one of the twenty-five. I have no constituent on that force, no one has been appointed to that force upon my recommendation, and I am speaking entirely in the interest of these faithful men, who have come from all parts of the country, and have performed this service at \$1,100 a year. I withdraw the point of order.

Mr. GILLET. I would like to say just a word in answer to the gentleman's proposition. I move as an amendment to insert in line 12, page 19, the words "forty-four pages" instead of "forty-six pages."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 12, page 19, insert before the word "during" the words "forty-four pages."

Mr. GILLET. And, Mr. Chairman, on that I wish to say a word to indicate the ground which the committee took upon the subject of which the gentleman from Indiana has just spoken. I do not wish to split hairs with him as to the relative weight of resolutions or an appropriation law, but the committee in this whole bill has taken the ground that this was not the time to raise salaries. The proposition was made for us to raise these messenger salaries to \$1,200. We thought, regardless of the merits, that inasmuch as we had decided that this was a year when we should be economical and prudent and we were not increasing salaries at all, that it would not be wise to increase the salaries of the messengers of this House and not increase any other messengers throughout the service.

Mr. CRUMPACKER. Let me ask the gentleman if the committee had in mind the fact that by this provision it reduced the salaries of twelve or thirteen of these messengers from \$1,200 to \$1,100?

Mr. GILLET. That is the disputed fact. We followed here, as we did in all other cases, the instruction the House had given us before. The House last year fixed these salaries at \$1,100, and we did in this instance proceed as we have done in every instance in the bill. We followed what the judgment of the House had declared in the previous Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. I move to amend the amendment by striking out the word "four" and inserting the word "six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "four" and insert in lieu thereof the word "six."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Massachusetts [Mr. GILLET] as amended.

The amendment as amended was agreed to.

Mr. HUGHES of West Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 11, after the word "each," insert "messenger in charge of telephones, \$1,200."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

Mr. CHANEY. I desire to inquire if this simply provides for one messenger on one side of the House and not on the other?

Mr. GILLET. The one on the other side is already provided for.

Mr. HUGHES of West Virginia. This simply provides for

one messenger in charge of telephones, and it was the intention of the Committee on Accounts that this messenger was to take charge of the telephones on both sides of the House, both in the Republican cloak room and the Democratic cloak room, and the Committee on Accounts was further informed by the Democratic members of the Committee on Accounts that they did not want this messenger on their side of the House.

Mr. CHANEY. Mr. Chairman, the man in charge of the telephones on the Democratic side of the House performs precisely the same service as the telephone messenger on the Republican side of the House, and he is getting about \$75 a month on the Democratic side of the House, whereas on this side the messenger is getting \$1,200. And I think it is fair that the messenger on the other side of the House should have \$1,200. I therefore move to amend the amendment by making the salary of the messenger on the Democratic side of the House \$1,200.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Let the amendment be reported. The gentleman from Indiana [Mr. CHANEY] offers an amendment to the amendment offered by the gentleman from West Virginia [Mr. HUGHES], which the Clerk will report.

The Clerk read as follows:

Amend the amendment so as to read:

"Two messengers in charge of telephones, at \$1,200 each."

Mr. CHANEY. One messenger in charge on the Democratic side and one messenger in charge on the Republican side.

Mr. GOULDEN. Mr. Chairman, I raise a point of order on that amendment.

Mr. HUGHES of West Virginia. I raise the point of order, Mr. Chairman.

Mr. BARTLETT. I ask that the original amendment and the amendment thereto be read.

The CHAIRMAN. The Chair understands that the gentleman from West Virginia [Mr. HUGHES] makes a point of order to the amendment offered by the gentleman from Indiana [Mr. CHANEY].

Mr. HUGHES of West Virginia. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order. The question comes upon the amendment offered by the gentleman from West Virginia [Mr. HUGHES].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For clerk hire, Members and Delegates: To pay each Member and Delegate for clerk hire, necessarily employed by him in the discharge of his official and representative duties, \$1,500 per annum, in monthly installments, \$594,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of one of the gentlemen in charge of this bill. Possibly the gentleman from Massachusetts [Mr. GILLET] can enlighten me. I observe on the back of the check which Members of Congress sign in obtaining clerk hire, the following legend, "If indorsement is made by mark (x) it must be witnessed by two persons who can write, giving their place of residence in full." I desire to ask of the gentleman from Massachusetts the necessity for this provision, and how many of the Members of this House, in his judgment, avail themselves of it? [Laughter.]

Mr. GILLET. Mr. Chairman, I do not think that was adopted with any personal reference to the gentleman from Ohio. [Laughter.] In fact, I understand it is on all Government checks, and it is put upon the checks that apply to this House as well as all others.

Mr. TAWNEY. As an administrative order. [Laughter.]

The Clerk read as follows:

Toward the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the Library building, to cost not exceeding \$320,000, \$100,000.

Mr. MANN. Mr. Chairman, I reserve or make the point of order to lines 5 to 9, on page 34. I reserve the point of order for the present, if I may. I would like to ask the gentleman in charge of the bill in reference to the matter included in this paragraph.

Mr. BINGHAM. I would say to the gentleman I will ask my colleague to reply to him.

Mr. MANN. In the first place, the House now has over in the Congressional Library an old file in bound volumes, probably thirty or forty stacks, as I now remember. They were transferred over there a year or two ago, and it was expected they would be transferred to the new Office Building when that building was completed. The Library people are very anxious

to get rid of them. They want the space they use for newspapers. There is plenty of room in the attic of the Office Building. It is simply a matter of having them transferred over there and having the proper cases erected to put them in. I suppose it would require metallic cases. I requested the Superintendent of the Capitol to make an estimate of what the expense would be. I do not know whether he has made the estimate or not. I have not asked him since. I do not know who would have jurisdiction over a proposition of that kind in the House. There ought to be some way, and I ask these gentlemen whether they can help me out and see how the money can be provided to erect the necessary shelves in the attic of the Office Building so that these House files may be transferred there. I do not know, but there might be a considerable additional amount of space in the attic used by the Library of Congress for other purposes.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. TAWNEY. Do you know whether the House has any occasion to use the space in the attic in connection with the occupation of the Office Building by Members of the House other than the old files belonging to the House, which are now stored in the Library?

Mr. MANN. Well, I do not know what the attic may be used for as time goes on.

Mr. TAWNEY. How much space is there that would be available?

Mr. MANN. The full width of the building all the way around. The building is so constructed that as the membership of the House increases, if it should increase, it is possible to erect an additional story on the court side of the building. Of course that would cut through the attic; and at present, as I understand, it is the desire of the Superintendent of the Capitol that no permanent fixtures be put in the attic on the court side. But there is what you would call a walk down the center of it. For storage purposes of any kind I see no reason why it could not be utilized by the Library of Congress or any other departments under the control of Congress directly. There is an immense amount of space there. I do not know how much; I have not had it measured, but it is the full width of the building the entire distance around. There is some little machinery in connection with the exhaust fans that ventilate the building, but they occupy very little space. I went over there with Mr. Woods and some members of the special committee to see how much space would be required for the House files in the Library, and the amount of space required is nothing as compared with the total amount of space there.

Mr. TAWNEY. What is the height of the ceiling in the attic?

Mr. MANN. It ranges from the edge of the attic, probably 4 to 4½ to 5 feet, and in the center of the attic, why, it is 15 feet or more in height.

Mr. TAWNEY. The purpose of my inquiry, Mr. Chairman, is: I understand that the Librarian desires this additional space primarily for the storage of newspaper files that are accumulating very rapidly in the Congressional Library. The question in my mind was whether the space now occupied by these newspapers could not be utilized for book space and book shelves if the newspapers were transferred to the attic of the Office Building. That is the only purpose of my inquiry.

Mr. MANN. The space now occupied in the subbasement of the Library by the House files, as I understand, is desired for the storage of newspaper files in part. Mr. Wood and Mr. Boyd, the assistant librarian, and all of us who examined the matter were fully of the opinion from what we know of the attic that it was a simple matter to erect the necessary cases for the House files and to erect cases that would provide the necessary space for use in other respects.

I do not know whether it is practicable to put an item in this bill that would cover the matter or not. I wonder if the gentleman would be willing to pass this paragraph to see whether we can insert an item, which they would agree to, so that these files may be transferred over, if we can get at the amount of cost. As far as the point of order is concerned, I withdraw that. I have no desire to insist upon it.

The CHAIRMAN. The gentleman from Illinois does not make the point of order.

Mr. GILLET. Then, if the gentleman withdraws the point of order, I am perfectly willing to see what we can do about the matter he suggests. This is the first time it has occurred to me. I think if it had been brought before the attention of the committee we would have been glad to cooperate with him, for it strikes me as a desirable object, and I am perfectly willing that the gentleman may draft an amendment, or, perhaps,

on consultation, we can draw something which will allow this to come up, by reverting back to some proper place in the Library appropriations, to put on such an amendment.

There is one thing that occurs to me, and that is that the gentleman will remember that one of the reasons why the files of the House were moved to the Library was that it was discovered that a great many valuable autographs had been cut out from the papers and that the files had been tampered with, and the purpose was to put them in some place where they would be safe and under careful protection. Perhaps that could be properly arranged.

Mr. MANN. I will say to the gentleman on that point that Mr. Woods and I went over to the building the other day, and we figured that by erecting metal cases for these files and then building around them a wire screen, with a lock upon it, the key of which, I suppose, would be in charge of the Clerk of the House, nobody would have access to the files except the employee of the House who was responsible for them, and nobody else could get to them.

Mr. GILLETT. I ask unanimous consent, then, that the committee may at any time revert to the proper clause in the appropriations for the Library for the purpose of making such an amendment as the gentleman may draft.

The CHAIRMAN. The request is not that this paragraph be passed without prejudice?

Mr. GILLETT. No.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the committee may, at any time during the consideration of the bill, return to the paragraph with reference to the Library, for the purpose of inserting an amendment such as has been suggested by the gentleman from Illinois. Is there objection?

There was no objection.

Mr. FITZGERALD. I wish to ask the gentleman from Massachusetts a question. If an agreement can be devised by which this space can be utilized in the new Office Building for these newspaper files, will not that eliminate the necessity for an appropriation for this book stack?

Mr. GILLETT. If the gentleman can tell me how large a space these files now occupy in the Library. I have not the least idea how much that will relieve the Library.

Mr. FITZGERALD. I do not know, but it seems to me if not only the document files but a number of these newspaper files could be stored in the House Office Building it might be possible to defer the commencement of this work, about which there is some difference of opinion.

Mr. GILLETT. That depends entirely on the amount of material, as to which I am absolutely ignorant.

Mr. McCALL. I believe there are some 35,000 bound volumes of newspapers. They are very frequently consulted. They are now located in the basement and are reached with a great deal of difficulty. It requires quite a strain upon the force to get these volumes and bring them up for the use of those who go to the Library desiring to make use of them. Of course it would be very inconvenient, even more inconvenient than it is at present, if these newspapers were put into another building like the House Office Building. It would take more time to get them; it would involve more labor.

Mr. TAWNEY. Will the gentleman state what kind of newspapers are bound and stored away in the files of the Congressional Library—how many daily newspapers throughout the United States?

Mr. McCALL. They have restricted the number of newspapers now that they bind. I think now they are binding only at the rate of 150 newspapers a year.

Mr. TAWNEY. Do they take the Sunday papers and bind everything that comes in the paper—the funny sheet, the advertisements, and everything else?

Mr. McCALL. I do not know whether they bind the funny sheet or not.

Mr. TAWNEY. Well, they do.

Mr. McCALL. I think it is very important that there should be some collection in the United States of the newspapers of the United States. As Lord Macaulay says, "The newspapers give the current history of the times." The British Museum, which has a marvelously great collection of books, preserves all the local newspapers of Great Britain. Some time ago it was suggested in Parliament that the newspapers of certain localities be sent to libraries in those localities, which would have relieved the strain a good deal upon the British Museum, only keeping the most important newspapers bound there. But it was voted down in Parliament, and a separate building was constructed in which to store them. Newspapers are very much used by men

who write history, more so now than ever before. Of course they must read them with a good deal of skepticism and a good deal of care.

In addition to the demand for extra shelving space for newspapers, there is a very imperative demand for extra shelves for books. The Committee on the Library have been considering this matter for a number of years, and the plan which is now proposed, for which the Superintendent of the Library has made plans and specifications, seems to secure altogether more for the money than any other plan, and that is to put a lid on one of the courts that is not seen by the public, practically surrounded almost entirely by administrative parts of the Library, such as is proposed in this bill; simply by putting a lid on, stacks can be secured there which will increase by 60 per cent the entire shelving capacity of the Library.

Mr. FITZGERALD. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. FITZGERALD. The gentleman from Massachusetts is a member of the Joint Committee on the Library?

Mr. McCALL. He is.

Mr. FITZGERALD. Two years ago, I think it was, \$2,500 was appropriated to obtain plans and estimates for whatever enlargement was necessary of the Library. My information is that that has not been done. I would be glad to see the work postponed until the gentleman's committee has an opportunity to present those plans to the House. Does not the gentleman think that that would be wise?

Mr. McCALL. Mr. Chairman, I would rather that the gentleman should complain that we have not spent the \$2,500 than to express approval that we had. In the first place, I do not understand that the \$2,500 was to be spent under the direction of the Committee on the Library. In the next place, I think the expenditure is entirely unnecessary.

Mr. FITZGERALD. I have not expressed surprise that the gentleman's committee did not spend the money. I am anxious about the plans.

Mr. McCALL. The proposition was that if this plan should be approved by the joint committee, that much might be expended to secure plans. I do not know of any more capable man in the world to prepare plans than the man now paid \$5,000 to superintend the Library building or a more accomplished gentleman in his line. He was connected with the work before the building was put up, and he has done his work remarkably well. He has prepared plans, which I hold in my hand, and specifications, and I believe they are as good as can be prepared by any architect.

Mr. BURLESON. And will save the Government over a million dollars.

Mr. McCALL. Yes; it will save the Government a vast sum of money. The Committee on the Library is satisfied that this is a good plan to adopt. They do not believe that the two west courts should be invaded or used for any such purpose, but there can be a roof put upon this court that I speak of. It was suggested by a former colleague of the gentleman from New York, a member of the Committee on Appropriations, Mr. Litauer. It is an admirable suggestion, and it will increase the shelving capacity of the Library by 60 per cent and will only cost about 5 per cent of the cost of the building. From an economic standpoint it seems to me a very desirable thing to be done.

Mr. FITZGERALD. Are these plans which the gentleman refers to the plans originally made, the plans first prepared, or the plans last prepared, or plans that were prepared between the two?

Mr. McCALL. I can not tell when they were prepared.

Mr. FITZGERALD. I asked the question because I have heard it said by Members who have investigated that there practically have been three plans prepared by this gentleman of whom the gentleman from Massachusetts speaks. It occurred to me that the committee of which the gentleman is a member should make a careful investigation of this matter.

Not only that, but the estimate of the cost has gone up, as I understand, from \$100,000 to \$150,000, and then to \$180,000, and now \$320,000. If it is going to continue in that way, I agree with the gentleman that we had better adopt it now before it gets any higher, and I hope the gentleman's committee will make that thorough investigation that was contemplated, so that the House can act intelligently on this matter.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCALL. I would like two or three minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. McCALL. Certainly the Committee on the Library has not been informed that there has been such a variety of plans made by Mr. Green to accomplish this particular result.

There was a scheme originally to carry up the roof so as to have two or three stories, and another to build out a separate structure. Perhaps the gentleman refers to these as plans, but I am not aware, and I think the gentleman is not aware that any plans have been made more than this one set for utilizing the stack in the way it is now proposed to utilize it.

Mr. FITZGERALD. No; I agree with the gentleman. I think this suggestion is entirely different from the other two that were made to the Committee on Appropriations emanating from the same source, and it is just possible that in view of the fact that each year has seen a new scheme suggested, next year there may be a different one proposed.

Mr. McCALL. Of course we are liable to change our minds.

Mr. BURLESON. The new scheme was suggested because of the increased necessities of the Library.

Mr. McCALL. It does not seem possible to suggest a plan that will accomplish so much. This has been talked of for years.

The Clerk read as follows:

For three Commissioners, at \$4,000 each; chief examiner, \$3,000; secretary, \$2,500; assistant chief examiner, \$2,250; two chiefs of division, at \$2,000 each; three examiners, at \$2,000 each; seven clerks of class 4; fourteen clerks of class 3; twenty-four clerks of class 2; twenty-nine clerks of class 1; twenty clerks, at \$1,000 each; ten clerks, at \$900 each; five clerks, at \$840 each; one messenger; engineer, \$840; one telephone switch-board operator; two firemen; two watchmen, one elevator conductor, \$720; three laborers; and three messenger boys, at \$360 each; in all, \$175,410.

Mr. MADDEN. Mr. Chairman, I desire to reserve the point of order on the item providing for seven clerks, page 26, line 9, and on line 10 fourteen clerks, line 10 twenty-four clerks, line 11 twenty-nine clerks. I just desire to reserve the point of order on this for the purpose of ascertaining whether the chairman of the committee can give me some information about it.

Mr. BINGHAM. What was the point of order? This was current law.

Mr. MADDEN. Oh, no; this is increasing the number of clerks very materially over current law.

Mr. BINGHAM. It is simply the increase of work that runs through the entire bill. If the gentleman's point stands, it will strike out every increase because of increased work recognized throughout the bill. It is just simply the natural increase of work in all Departments of the Government, using exactly the same verbiage.

Mr. MADDEN. Is there a sufficient increase in the work of this Department to warrant the employment of so many additional clerks?

Mr. GILLETT. Mr. Chairman, I can assure the gentleman that there is. I think this one fact will indicate it. The gentleman knows that the rural carriers have recently been put under the civil service, which is a very large increase of work in itself. They are now I forget how many months behind, but several months.

Mr. BINGHAM. Six months.

Mr. GILLETT. I think there are 19,000 blanks they have not yet been able to examine, and they asked for many more clerks than this gives them. Personally, I think they ought to have more than this.

Mr. BURLESON. We did not give them as many as they asked.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, \$12,000; Assistant Secretary, \$6,000; Second and Third Assistant Secretaries, at \$5,000 each; chief clerk, \$3,000; two assistant secretaries of the Department of State, to be appointed by the Secretary of State, at \$3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at \$2,500 and \$1,500, respectively; two chiefs of bureaus, at \$2,250 each; six chiefs of bureaus, at \$2,100 each; two translators, at \$2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, \$200; private secretary to the Secretary, \$2,500; clerk to the Secretary of State, \$1,800; fifteen clerks of class 4; fourteen clerks of class 3; twenty-three clerks of class 2; thirty-six clerks of class 1, two of whom shall be telegraph operators; fourteen clerks, at \$1,000 each; sixteen clerks, at \$900 each; chief messenger, \$1,000; five messengers; twenty-two assistant messengers; messenger boy, \$420; packer, \$720; four laborers, at \$600 each; one telephone switch-board operator; one assistant telephone switch board operator; carpenter, \$1,000; for emergency clerical services, to be expended by the Secretary of State in his discretion, \$2,000, or so much thereof as may be necessary; in all, \$248,900.

Mr. MACON. Mr. Chairman, I make a point of order against the paragraph, beginning in line 3, providing for the increase of the salary of the Assistant Secretary from \$4,500 to \$6,000; also to the increase of the salaries of the Second and Third Assistant Secretaries from \$4,500 to \$5,000.

Mr. MANN. Mr. Chairman, I wish to make the point of order against the portion of this paragraph, lines 6 and 7, on page 38, "to be appointed by the Secretary of State," and in lines 8 and 9, on the same page, "to be selected and appointed by the Secretary of State."

Mr. BINGHAM. I understand the gentleman from Arkansas reserves the point of order?

Mr. MACON. Yes.

Mr. DALZELL. Mr. Chairman, I observe in looking over the bill that in the State Department the salaries of three Assistant Secretaries of State have been increased, the First Assistant from \$4,500 to \$6,000, the Second and Third from \$4,500 to \$5,000 each; and in the Treasury Department the salaries of the three Assistant Secretaries of the Treasury have been increased from \$4,500 to \$6,000 in all cases. In the War Department the Assistant Secretary of War's salary has been increased from \$4,500 to \$6,000, the Assistant Secretary of the Navy has had his salary increased from \$4,500 to \$6,000. In the Interior Department the First Assistant Secretary's has been increased from \$4,500 to \$6,000, and an Assistant Secretary's from \$4,500 to \$5,000. In the Post-Office Department the three assistants have each had their salaries increased from \$5,000 to \$6,000 in one case, and \$4,500 to \$5,000 in two cases, and in the Department of Commerce and Labor the Assistant Secretary has been increased from \$5,000 to \$6,000. Now, Mr. Chairman—

Mr. LIVINGSTON. May I suggest to the gentleman the basis upon which that was done?

Mr. DALZELL. Mr. Chairman, I have no objection to increasing the salary in any of these cases. I think probably they ought to be increased, but what I want to call attention to is the fact that there has been no increase of salaries in the Department of Justice. The Solicitor-General's salary has not been increased, none of the assistant attorneys have been increased, and yet they were estimated for by the Attorney-General and his testimony was taken before the committee. Now, it seems to me, Mr. Chairman, conceding that these salaries ought to be increased, as I do, that it is manifestly unfair that any discrimination should be made between these assistant secretaries and the Solicitor-General and the Assistant Attorneys-General in the Department of Justice. The Solicitor-General ought to be and is a lawyer qualified to meet the best lawyers in the United States. He is occupied almost every day in arguing cases of large importance in the Supreme Court of the United States. We all know that the Attorney-General, to a large extent, has ceased to be anything but a Cabinet officer. Almost the entire administration of the Department, in so far as court business is concerned, falls upon the shoulders of the Solicitor-General, and it does seem to me this is making a very unjust discrimination. Now, for instance, you have increased the salary of the Assistant Secretary of the Treasury, whose business it is to attend to revenue matters. Now, the time of one of the Assistant Attorneys-General is almost exclusively devoted to attending to those matters at the instance of this Assistant Secretary of the Treasury. It seems to me it is unfair to draw this distinction between them. These gentlemen are lawyers, professional men, qualified to attend to professional matters and, as I have already said in the case of the Solicitor-General, called upon to meet the best legal talent in the United States in defending the interests of the Government, and while I do not object to these increases of salary of the assistants in the various Departments I do hope that if this point of order be not sustained and these salaries be allowed, that when we come to deal with the Department of Justice the committee will do justice to the Solicitor-General.

Mr. LIVINGSTON. May I state to the gentleman that the Solicitor-General now gets \$7,500 and the next man below him \$7,000—

Mr. DALZELL. I understand that.

Mr. LIVINGSTON. We made this promotion a year or two ago, and we did not think it was necessary—

Mr. DALZELL. I have read the testimony of the Attorney-General before the committee, and it seems to me that he makes out quite as good a case, and in my judgment a little better, with respect to his subordinates than is made out for any of these Assistant Secretaries in the Treasury, Department of State, or Navy Department, and I hope that justice will be done all around. If you are going to cut down these salaries, well and good. If you are going to advance them—and I am perfectly willing you should—let us deal justice alike to all of them.

Mr. MANN. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. MANN. Of course the gentleman knows that the salaries for these Assistant Secretaries are the salaries that have

been provided by law for a long time, except for the Department of Commerce and Labor, whereas the assistant to the Attorney-General was just created two or three years ago, and the salary then fixed was based upon modern salaries, I suppose. Now, does not the gentleman draw a distinction between a salary fixed twenty-five or thirty years ago and a salary fixed by Congress two years ago as to the desirability of an increase?

Mr. DALZELL. I should think, of course, a salary fixed two years ago would be more nearly just than one fixed twenty-five or thirty years ago, but I would say, intrinsically, that the salary of the Solicitor-General is not a fair salary for a lawyer of his necessary attainments, and I believe anyone familiar with the work of the present Solicitor-General would be willing to testify that he is well qualified to perform all the duties he is called upon to perform.

Mr. MANN. I think the gentleman is right in that respect, undoubtedly.

Mr. LIVINGSTON. May I suggest, if my colleague will permit me—

Mr. BINGHAM. Mr. Chairman, one moment. Your committee reached the conclusion that the present compensation of the Assistant Secretaries who might be called upon to perform full service during the absence of the Secretary should receive a larger compensation and that Assistant Secretaries who are not either so authorized under the law or authorized by the President should receive, perhaps, less salary than the one who would act during the absence of the Cabinet officer or Secretary.

Therefore, without regard to the Solicitor-General, we rated them as consistent at \$6,000. We gave the three Assistant Secretaries of the Treasury, who can be designated by the President to act in the absence of the Secretary, \$6,000. All other secretaries who do not act in the absence of the Secretary shall receive \$5,000. We have been consistent. The fact that the Solicitor-General receives \$7,500 per annum, while there may be lines of work that he may do in the absence of the Attorney-General, we allowed to remain just as it was. It did not impress the committee as an immediate necessity. Congress having increased the compensation of all the secretaries of the Departments from \$8,000 to \$12,000, we concluded a reasonable increase would be accepted by the Congress, and therefore fixed the \$6,000 and \$5,000 allowances as fair and just for the assistant secretaries acting as I have submitted.

Mr. LIVINGSTON. I do not think the criticism made by the gentleman from Pennsylvania [Mr. DALZELL] is a good one. If he will turn to page 140 of the bill, he will see that the Solicitor-General gets \$7,500. Now, then, the assistant to the Attorney-General, which stands in place of the first assistant in any of these Departments, who, under law, is authorized to act for the head of the Department, only gets \$6,000, while this man's assistant gets \$7,000. Now, we have raised the salaries of those that can not act for the head of the Department from \$4,500 to \$5,000. If you will notice on page 141, line 2, you will see five Assistant Attorneys-General are raised to \$5,000. The Assistant Attorneys-General that are designated or detailed to the several Departments stand at \$4,500. I think his committee has been extremely liberal with the Department of Justice.

Mr. DALZELL. If my friend will allow me, I do not think there is any increase of the salaries of the Assistant Attorneys-General.

Mr. LIVINGSTON. Not in this bill, but, as I said a moment ago, two years ago we made these salaries sufficiently high not to be affected now in this bill.

Mr. DALZELL. The Assistant Attorney-General gets \$7,500. He is more than a \$7,500 lawyer. Any lawyer can get \$7,500 in a country town, and here is a lawyer engaged every day of the week in arguing cases in the Supreme Court of the United States with the best legal talent in the country.

Mr. LIVINGSTON. This is above the average that lawyers get as officials of the United States—\$7,500.

Mr. DALZELL. I am sorry for them, then. I do not know where they are.

Mr. LIVINGSTON. He has had no difficulty heretofore in getting a good lawyer at \$7,500.

Mr. MANN. Does the gentleman know any Assistant Secretary in a Department of the Government, capable as they are, whom he would be willing to have take charge of the legal end of the Government in the great legal work that is now going on?

Mr. LIVINGSTON. No.

Mr. MANN. That is very likely, but that probably does not apply to the Assistant Attorney-General or to the Solicitor-General. While I apprehend no increase can be made in this bill, and I certainly have no criticism of the committee, I think, as the gentleman from Pennsylvania [Mr. DALZELL] remarked,

it is true that as long as the Government is carrying on legal work against private talent paid at the rate of \$25,000 to \$200,000 a year or more, the Government ought to be willing to pay for services in the Supreme Court of the United States more than \$7,500 a year and obtain talent that corresponds. I think, however, the talent corresponds now.

Mr. LIVINGSTON. I think that is not only true with the Department of Justice, but it is true with the Post-Office Department, with the State Department, with the War Department, and the assistants in the War Department were not put there with the view of controlling the Department. If the head of the Department is competent, it does not make a great deal of difference as to who his assistants are. If he is competent, then I admit that the argument of the gentleman from Pennsylvania [Mr. DALZELL] comes with a great deal of force.

Mr. DALZELL. The Solicitor-General is not an assistant. He is virtually the head of a Department.

Mr. LIVINGSTON. The Solicitor-General is not the head of the Department. The Attorney-General is the head.

Mr. DALZELL. Nominally the Attorney-General is the head of the Department. He is a Cabinet officer. I mean to say that while the Attorney-General has in a number of cases gone into the Supreme Court, the Solicitor-General in all the cases during the last two or three Administrations has done all the court work.

Mr. MANN. Not all. Attorney-General Moody frequently appears in the Supreme Court.

Mr. DALZELL. In almost all. He is recognized as in charge of that particular work.

Mr. MANN. There is no comparison in experience between the Solicitor-General and any secretaries of any Departments that I know of.

Mr. LIVINGSTON. I am willing to admit that.

Mr. MANN. The secretaries are comparatively young men, usually appointed without any great deal of experience, educated in the Department at the expense of the Government, and make very good secretaries. The three secretaries of the Department of State—why, they do not have many more than three clerks. There is not a great deal of work possible to be done, properly divided. It is not the character of ability that is required on the part of a man as a law officer representing the Government in the Supreme Court against these great lawyers employed by private corporations. You can not expect to win cases in the courts unless you have the best ability to present the cases.

Mr. GILLET. Mr. Chairman, I would like to say a word upon the point of order we seem to be discussing. The duties of the Solicitor-General are prescribed by statute. He is authorized to assist the Attorney-General in the performance of his duties and, in case of vacancy in the office of the Attorney-General, or his absence, to have power to exercise all the powers of his office.

Mr. DALZELL. Nominally.

Mr. GILLET. But I agree with what the gentleman from Pennsylvania said about increase of salary for the higher offices of the Government. That applies, in my opinion, not only to the Solicitor-General, but to all the other offices and to all the Departments. My opinion is that the higher officers in our Government are underpaid. I think the whole force of the Government, clerical and administrative, ought to be reclassified and their salaries revised. I think in the last Congress, when we increased our own salaries, there was a general expectation in the executive force that in this Congress their salaries would be revised. I shared that expectation. I think the service ought to be reclassified. When we came to make up this bill we had the estimates of the different Departments making increases, but the committee concluded that under the present financial and industrial conditions we should not be justified this year in bringing in a bill that would accomplish that object. Therefore this bill has scarcely any increases. I think it should consistently have none. The committee has brought in a few increases, but I think that there are many more just as justifiable as those. I shall feel it my duty, believing, as I do, that this is not the time for increases, to make the point of order against any increases such as the gentleman suggests.

Mr. DALZELL. Well, against this pending now?

Mr. GILLET. I shall not make the point of order against anything the committee has adopted, whether I approved it or not; but when any new amendment is offered, I shall feel it my duty to make the point of order.

Mr. MACON. Mr. Chairman, I insist upon the point of order. I am opposed to this class of legislation; this manner of increasing salaries. If any of the various officers of the Government are not receiving salaries sufficiently large to main-

tain themselves upon, then there ought to be a systematic effort made on the part of those in charge of the conduct of the Government to have the salaries increased to an amount sufficient to sustain them; but they ought to be increased by direct law and not upon appropriation bills. I do not believe it is right to pay one officer a certain salary, and another, equally meritorious and efficient, a different salary. I think salaries ought to be equalized, but I do not think they can be equalized upon an appropriation bill. If I happened to be upon a committee, and I had a personal friend at the head of one of these Departments, he could appeal to me, perhaps, in a different manner from that employed when dealing with a stranger, and I might use such influence as I had with my colleagues upon the committee and encourage an increase of my friend's salary, when some one in some other branch of the Department equally as meritorious as my friend, equally as capable as he, equally as worthy of increased pay as he, would not receive an increase because he did not have a friend on the committee. I insist that this is not the proper way of increasing salaries, and for that reason I insist upon my point of order.

Mr. Chairman, I want to add one other thought, which is that the country is not in as good condition financially this February as it was last February, and therefore this is no time for raising salaries. We have undergone a severe panic, which has shaken nearly every interest of the country from one end of it to the other, and we ought to stay close to the shore for a while.

Mr. BINGHAM. Do I understand the gentleman to insist upon making the point of order throughout the bill?

Mr. MACON. I do.

Mr. GILLETT. I would like to ask the gentleman what his point of order is? As I hear it made, it applies to the secretary, or does it apply to some of the clerks? As to them, I do not think his point of order can be sustained, and therefore I would like to know to what he addresses his point of order.

Mr. MACON. I will not insist upon the point as to the increased number of clerks, because I do not know whether they are needed or not. I have no desire to cripple the public service in any way. If they are needed, they ought to be provided for in this bill. Existing law warrants that. So I make the point of order against the increase of the salaries of the three assistant secretaries only.

The CHAIRMAN. The gentleman from Arkansas makes the point of order against the increase of the salary of the assistant secretary, \$6,000, and the second and third assistant secretaries, \$5,000, in lines 3, 4, and 5. The Chair understands that to be the point of order made by the gentleman from Arkansas.

Mr. MACON. Yes.

The CHAIRMAN. The Chair would ask any member of the Committee on Appropriations if he can refer to any law which will support or sustain the increase carried in the bill?

Mr. GILLETT. Mr. Chairman, I do not know of any such. I think the point of order is well taken, if the gentleman insists upon it.

Mr. LIVINGSTON. There is no doubt about it.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. MANN. Mr. Chairman, I had a point of order, upon page 38, commencing with line 6, against the words "to be appointed by the Secretary of State," and also commencing with line 8, "to be selected and appointed by the Secretary of State." It changes the law as to the method of the appointment of these officials.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MANN. This changes the provision as to the method by which these officials are appointed. The law now provides that these officials may be appointed under the provision of the civil-service act, through the civil-service regulations, where they are covered into the civil service, and gives to the President the right to put them into the classified service, to be appointed from the eligible list. This changes that law, and provides that these officials shall be appointed directly by the Secretary of State. It is a change of the existing law upon that subject.

Mr. BINGHAM. In reply to the gentleman, I will state that we have used the exact verbiage in the bill that has been used for years past, and I understand the facts to be just the reverse, that these officials are exempted, under the rulings of the Civil Service Commission.

Mr. MANN. Whether they are exempted or not under the rulings of the Civil Service Commission, it is by Executive order. I do not know whether they are or not.

Mr. BINGHAM. It is by Executive order.

Mr. MANN. But the Executive order may be changed at any time under the civil-service law. Now, if they are exempted under the civil-service law, why does the gentleman want to put it in here? I say the purpose of the item is to change the law. The law now leaves them to be appointed in accordance with the civil-service rules, and the fact that this is in the current law makes no difference. The same matter precisely was ruled upon a few days ago by the gentleman from New York [Mr. PERKINS], Chairman of the Committee of the Whole, when the Indian appropriation bill was under consideration.

Mr. BINGHAM. I am perfectly willing to accept the gentleman's suggestion to strike it out. The fact is, it remains in effect the same.

Mr. MANN. Very likely. I do not care anything about that.

Mr. GILLETT. I wish to suggest that the point of order is against a phrase which has been used year by year for these same clerks or officials. The point of order accomplishes nothing, because at present they are exempt from the civil-service rule, and therefore it makes no difference whether the words are in or not. I confess that it appears to me that technically the gentleman is right; that technically the use of the words "to be appointed by the Secretary" does change existing law, and, inasmuch as it makes no difference practically, it is quite indifferent to the committee how the Chair rules.

The CHAIRMAN. On the face of the proposition, unless the gentleman can state something specific, the Chair is inclined to sustain the point of order. Therefore the point of order is sustained.

Mr. BINGHAM. Mr. Chairman, on page 38, line 3, in lieu of \$6,000, I move to insert \$4,500; and in line 4, in lieu of \$5,000, I move to insert \$4,500, and I offer that amendment to correct the verbiage of the bill, under the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which will be reported by the Clerk.

The Clerk read as follows:

After the first word "dollars," in line 3 on page 38, insert the following: "Assistant secretary, \$4,500; second and third assistant secretaries, at \$4,500 each."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WASHBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes;

S. 4541. An act to authorize the sale of 640 acres of the lands of the Cheyenne and Arapahoe Agency and the Arapahoe School, Oklahoma, and the use of the proceeds thereof;

S. 4289. An act for the relief of the people of Hartshorne, Okla.;

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906;

S. 3778. An act for the relief of the Minnesota and Ontario Bridge Company;

S. 3726. An act to authorize the Twin City Power Company to build, operate, and maintain two dams across the Savannah River, above the city of Augusta, in the State of Georgia;

S. 3342. An act to construct and place a light-ship opposite the entrance of St. Johns River, Florida;

S. 2886. An act for the relief of the legal representatives of the late firm of Lapene & Ferre;

S. 652. An act to create the office of captain in the Philippine Scouts;

S. 389. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico; and

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For books and maps and periodicals, domestic and foreign, for the Library, \$2,000.

Mr. MADDEN. Mr. Chairman, I was not aware that the reading of the paragraph with reference to the State Department had been completed, and I ask permission to inquire of the gentleman in charge of the bill whether the investigation

made into the needs of the State Department showed that three additional clerks of class 2 and two of class 1—one additional clerk, at \$900—were found to be necessary to keep up the work of the State Department. There appears on page 38 of the bill, commencing at line 21, an item providing for twenty-three clerks, when last year there were only twenty-one; in the same line an item for thirty-six clerks, where last year there were but thirty-four; in line 22 an item for fourteen clerks, when last year there were but eleven; in line 23 an item appropriating for sixteen clerks, when last year there were but fifteen. While I do not wish to make a point of order on this matter, I would like to know from the members of the committee who made the investigation whether they are perfectly satisfied that the work of the State Department has increased so much as to require this increase of clerks.

Mr. BINGHAM. I would state to the gentleman that throughout the entire bill it is reported after a thorough investigation and is the best judgment of the committee to make certain lines of increase. Now, in connection with the statement of the gentleman in reference to the State Department, they now have 167 clerks, and they asked for 187, an increase of 20. We gave an increase of 9 wholly on the ground of necessity, because of an increase of work in that Department. That is the answer to the gentleman's line of criticism that will apply throughout the entire bill. It is the judgment of the subcommittee as well as the judgment of the general committee.

Mr. MADDEN. It did not seem to me that the work of the State Department had increased enough to warrant this additional expenditure. While I was not a member of the subcommittee that made the investigation as to the needs of the Department, my knowledge of the Department, I think, is sufficient to warrant me in believing, at least, that to add to the already great amount appropriated for the conduct of this Department is to increase the extravagance that is practiced in that Department.

Mr. CRUMPACKER. Will the gentleman yield to me for a question?

Mr. MADDEN. Certainly.

Mr. CRUMPACKER. The gentleman from Illinois is a member of the Committee on Appropriations, and is familiar, doubtless, with the methods of the committee's investigation of these questions. I am not a member of that committee. I would like to know if it is the practice of the Committee on Appropriations to report appropriations to this House for its consideration that the committee does not regard as necessary or proper?

Mr. MADDEN. I would not think that was the disposition of the committee, and it is doubtless the policy of the committee to report only what a majority of the members believe to be just, fair, and right.

Mr. CRUMPACKER. I asked the question as an innocent bystander. I have been in the habit of accepting the report of the Committee on Appropriations with a good deal of assurance, but in view of the unusual question asked by the gentleman from Illinois, whether the committee really thought the appropriation was necessary, I did not know but possibly it might be the habit of the Committee on Appropriations to report things to the House that it did not regard necessary.

Mr. MADDEN. The fact that certain members of the committee do not believe in the necessity of a certain appropriation is no evidence that each member of the committee is not conscientious in making the report and in the performance of his duty.

Mr. DRISCOLL. Will the gentleman allow me a question?

Mr. MADDEN. Yes.

Mr. DRISCOLL. I would like to ask the gentleman whether or not it is the custom of the subcommittees of the general Appropriation Committee to make reports and bring appropriation bills into the House for the consideration of the whole committee without submitting them first to the Appropriation Committee?

Mr. MADDEN. No; it is not; they are all submitted to the full committee.

Mr. DRISCOLL. Then the gentleman had an opportunity to see this bill before it came in?

Mr. MADDEN. No; not to the extent I would like to see it.

Mr. DRISCOLL. Does the subcommittee prepare large bills like this and have them brought in here for consideration without first giving the members of the general Appropriation Committee the opportunity of examining them?

Mr. MADDEN. The work of the subcommittee in this instance was submitted to the full committee for a cursory examination. The examination to which the whole committee was admitted consisted of less than two hours. I want to submit

that it is impossible for members of the committee to consider important questions involved in a bill of this magnitude in two hours.

Mr. DRISCOLL. I agree with the gentleman on that.

Mr. GILLET. The gentleman from Illinois is mistaken in his facts. The report of the subcommittee was made to the full committee, and the examination by the full committee lasted from half past 10 to 12 o'clock and from 2 to nearly 4 o'clock in the afternoon. In the meanwhile the full report of the subcommittee was before the whole committee. The whole matter was gone over in detail. Every member of the full committee had ample opportunity for criticism and such investigation as he pleased. The time that is occupied in examination of the bill does not depend on the subcommittee, but upon the full committee.

I am very sorry to hear, to my surprise, a member of the full committee criticising the subcommittee for what it seems to me they are not at all responsible for.

Mr. MADDEN. I simply wish to say in reply to my distinguished friend from Massachusetts that all the members of the full committee may have had ample opportunity to consider this question—

Mr. FOSTER of Indiana. Mr. Chairman, I rise to a point of order. This paragraph has been read and passed, and I do not see the usefulness of this discussion.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. GILLET. Mr. Chairman, I object to going back to the section.

Mr. MADDEN. It is too late now. I submit that the objection to go back to this paragraph should have been made earlier.

Mr. FOSTER of Indiana. Nothing was submitted, Mr. Chairman, and there have been two succeeding paragraphs read.

Mr. MADDEN. Mr. Chairman, I wish to say in reply to the gentleman from Massachusetts—

Mr. FOSTER of Indiana. Mr. Chairman, can we not have a ruling on the point of order?

Mr. MADDEN. Mr. Chairman, I have this to say in connection with the opportunity which was afforded to the members of the full committee to be heard in the consideration of this bill: I received no notice of the meeting that was called to consider this bill. It was said that a notice was sent—

Mr. TAWNEY. Mr. Chairman, I would ask the gentleman if he will submit to a question?

Mr. MADDEN. Yes.

Mr. TAWNEY. I want the gentleman to state to the House whether or not it is not a fact that he was personally notified of the meeting on Saturday, three days before the meeting was held?

Mr. MADDEN. No; it is not.

Mr. TAWNEY. In addition to that, the gentleman's notice was mailed at 11 o'clock on the day before the meeting.

Mr. MADDEN. It is not a fact, and I do not know whether any notice of the meeting was ever mailed to me, but it is a fact that I never received any notice of any kind, name, or nature, except a telephone message after the committee was in session. Some one called me at the Office Building at about 11 o'clock in the morning and informed me that the committee was considering this bill, and I arrived at the committee room as soon after the message came to me as was possible. I complained about the fact that I had no notice of the meeting. I would not have complained about this but for the fact that a previous meeting was held without any notice, and I thought that it was a studied effort to keep certain members away from the committee, and I complained to the chairman and to the other members of the committee that I did not think fair treatment was being accorded to me as a member of the committee. It was said that a notice was mailed at 12 o'clock the day before the meeting was to be held. It was discovered upon investigation that the notice, which was said to have been mailed twenty-four hours before, was found in my mail box in the post-office twenty-four hours afterwards, an hour after the meeting of the committee was in session. This bill was reported with not more than two hours' consideration, as far as my best judgment enables me to make a correct statement of the case, and I submit that two hours' consideration of the important matters contained in this bill is not sufficient to give the proper light upon the subject to the members of the committee who are charged with the responsibility of reporting the bill.

Mr. GILLET. May I ask the gentleman a question?

Mr. MADDEN. Yes.

Mr. GILLET. Did the gentleman, at the time, wish for more time?

Mr. MADDEN. I suggested to the committee that I would object to a number of items in the bill because I did not have an opportunity of considering them, and I think the gentleman will agree that I said that.

Mr. GILLET. Yes.

Mr. MADDEN. And I am objecting to them now because I did not have that opportunity.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, \$12,000; three Assistant Secretaries of the Treasury, at \$6,000 each; clerk to the Secretary, \$2,500; stenographer, \$1,800; three private secretaries, one to each Assistant Secretary, at \$1,800 each; Government actuary, under control of the Treasury, \$2,250; examiner, \$2,000; one clerk of class 4; four clerks of class 3; two clerks of class 2; four messengers; and one laborer; in all, \$58,970.

Mr. MACON. Mr. Chairman, I make the point of order against the language used in lines 3, 4, and 5, page 40, "three Assistant Secretaries of the Treasury, at \$6,000 each."

The CHAIRMAN. The point of order is sustained.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 40, line 3, after the word "dollars," insert: "Three Assistant Secretaries of the Treasury, at \$4,500 each."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the Cox Building, 1700 New York avenue: Three watchmen-firemen, at \$720 each; and one laborer. For the following now authorized and being paid from the appropriation for repairs of the Treasury building: One plumber, \$1,100; one painter, \$1,100; one skilled laborer, \$840; in all, \$195,410.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice all through the bill items like the one at the top of page 41, "one clerk, \$900. (In lieu of one clerk at same salary, transferred from office of Director of the Mint.)" Now, I suppose this is to pay a clerk regularly in the office of the Secretary, or office of the chief clerk or superintendent, who used to be in the office of the Director of the Mint and who has been transferred to the office of the superintendent.

Mr. BINGHAM. That is correct.

Mr. MANN. Is there any clerk in the office of the Director of the Mint replacing the clerk who was transferred?

Mr. BINGHAM. No; he is dropped, and that is consistent all through the bill.

Mr. MANN. Where a transfer has been already made you drop the clerk transferred and you show you make the necessary reduction in the other place.

Mr. BINGHAM. Throughout the bill.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the next to the last word, to make an inquiry. On page 41, line 22, the bill provides for three laborers at \$420 each, and then provides for eighty-seven charwomen. Are these three laborers men or women?

Mr. GILLET. In some cases they are men and in some cases they are women, depending upon the exigency of the service. We can not tell just which they are. They are to do the most menial class of work around the office—they take care of the toilet rooms, etc.

Mr. DRISCOLL. And then you have here charwomen. What do they get?

Mr. GILLET. Two hundred and forty dollars.

Mr. DRISCOLL. Why do you not provide salaries for them here?

Mr. GILLET. It is provided for in the general law, so we do not have to specify.

Mr. MANN. It is provided for in the general section; and while on this subject, here are eighty-seven charwomen for the Treasury building. I was told the other day by the Superintendent of the Capitol—taking care of the new Office Building—that he was doing the work over there with twenty charwomen. I suppose

that building is as large or larger than the Treasury building. While I do not have anything to say about the number of these women I have no doubt, I want to say, while I am a very ardent believer in the civil-service law, that under it there creeps in an immense number of superfluous employees in the charwomen force and elsewhere, and that probably half of these charwomen are carried on the roll simply to give pay and without actually performing the service.

Mr. GAINES of Tennessee. Mr. Chairman, when the committee passed page 37, or rather was considering page 37 and the item of the rural-carrier examining board, I was diverted at the time by one of the Members coming to my desk and talking to me about a matter of business, and the committee passed that item. I now ask the indulgence of the committee to say this, which would have been pertinent for me to have said at the time the committee was considering that item: On the 24th day of January I introduced the bill H. R. 15117—"a bill to allow the transfer of carriers from rural to city and from city to rural postal delivery service," which reads as follows:

Be it enacted, etc., That persons employed in the rural delivery service may, without further civil-service examination, be transferred into the city postal delivery service; and persons employed in the city delivery service may, without such examination, be transferred into the rural delivery service.

SEC. 2. That the Postmaster-General be, and is hereby, authorized and empowered to make all proper and necessary rules to execute this law.

Mr. Chairman, the purpose of that and the reason why I allude to it to-day is—I desire Members of Congress to think about it—is to give the country boy who wants to come to the city and enter the postal-carrier service a chance to do so by swapping places with the city carrier who possibly is tired of working in the city and wants to get the fresh air of the country to restore his health, etc. Now, the country boy coming to a city can, in my city—Nashville—go to the night school, an institution that did not obtain in that great city until about twelve or thirteen years ago, perhaps. I have received a number of letters, I may say, from rural carriers all over my district, and I have many outside of the district, each and every one of the letters commending the proposition. I submit the matter with this comment, and in the future I will go before the committee, if I can get a hearing there; if not, I will fully discuss the matter and read some of those letters to the House for the purpose of having such a proposition ultimately enacted into law.

Mr. FOSTER of Indiana. Mr. Chairman, it seems to me that on page 41, line 23, there is no provision made for the amount of money for eighty-seven charwomen.

Mr. GILLET. There is a general law that provides that every charwoman shall be paid \$240.

Mr. FOSTER of Indiana. There is no appropriation for that here.

Mr. GILLET. There is a section in the bill that fixes it. The purpose of that is that charwomen are named in many sections of the bill, and so to save repeating each time a certain salary we say at the close of the bill, "All charwomen shall receive \$240 a year."

The Clerk read as follows:

Division of appointments: For chief of division, \$3,000; assistant chief of division, \$2,000; executive clerk, \$2,000; law and bond clerk, \$2,000; three clerks of class 4; four clerks of class 3 (including one transferred from division of mail and files); five clerks of class 2; six clerks of class 1; four clerks, at \$1,000 each; two clerks, at \$900 each; one messenger; three assistant messengers; in all, \$43,900.

Mr. BINGHAM. Mr. Chairman, I wish to make a correction of the total on line 22. In lieu of the word "nine" insert the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 22, page 43, insert "eight" instead of "nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of the Supervising Architect: In the construction branch of the Treasury: For Supervising Architect, \$5,500; assistant to Supervising Architect, \$3,250; superintendent of drafting and constructing division, \$3,000; superintendent of computing division, \$2,750; chief of law and records division, \$2,750; chief of accounts division, \$2,500; chief of inspection division, \$2,500; chief of division of equipment, \$2,500; chief mechanical and electrical engineer, \$2,750; six clerks of class 4; six clerks of class 3; three clerks of class 2; two clerks of class 1; contract clerk, \$2,000; foreman duplicating gallery, \$1,800; four technical clerks, who shall also be skilled stenographers and typewriters, at \$1,800 each; four inspectors, at \$2,100 each; one inspector, \$1,800; five messengers; one assistant messenger; and two laborers; in all, \$82,300.

Mr. MACON. Mr. Chairman, I make the point of order on page 46, line 17, to the language "five thousand five hundred dollars." it being an increase in salary.

The CHAIRMAN. The Chair will hear the gentleman in charge of the bill on the point of order.

Mr. BINGHAM. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BINGHAM. In line 17, page 46, "5,500" should be changed to "4,500."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] offers an amendment, which the Clerk will report. The Clerk read as follows:

On page 46, line 16, after the word "Treasury," insert "for Supervising Architect, \$4,500."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of Auditor for War Department: For Auditor, \$4,000; Deputy Auditor, \$2,500; law clerk, \$2,000; six chiefs of division, at \$2,000 each; twenty-four clerks of class 4; additional to one clerk as disbursing clerk, \$200; fifty clerks of class 3; seventy-one clerks of class 2; eighty-three clerks of class 1; twenty clerks, at \$1,000 each; fourteen clerks, at \$900 each; skilled laborer, \$900; three clerks, at \$840 each; one messenger; five assistant messengers; and twelve laborers; in all, \$391,280.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of submitting this observation. This is the office of the Auditor for the War Department. I do not propose to offer an amendment at this time to increase his salary, because it is very evident it would meet a point of order. The auditing of the Panama Canal work is now in the office of the Auditor for the War Department. It involves a great deal of responsibility and an immense amount of work, and it seems to me that so long as that work is in that office the salary of that official ought to be slightly increased. The auditing of the Panama Canal work is equal, practically, to the auditing of any of the Departments of the Government.

Mr. TAWNEY. Will the gentleman from Illinois [Mr. MANN] permit a question?

Mr. MANN. Certainly.

Mr. TAWNEY. Does not the gentleman think, however, that in view of the fact that this service is performed entirely on account of canal expenditures, the increase, if it is made, ought to be made so that the amount paid in consequence of that increase is paid out of the appropriations made for canal expenditures?

Mr. MANN. Well, I should be inclined to think that that would be the proper method and the proper place in which to put the item.

Mr. BURLESON. I will say to the gentleman from Illinois [Mr. MANN] that this very increase was discussed, and the members of the subcommittee were unanimously in favor of it, but concluded to permit it to take the course suggested by the chairman.

The Clerk read as follows:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, \$3,500; teller, \$2,500; bookkeeper, \$2,400; assistant teller, \$2,000; assistant bookkeeper, \$2,000; three clerks of class 4; five clerks of class 3; seven clerks of class 2; twenty-five clerks of class 1; fifteen expert counters, at \$1,000 each; twenty-one expert counters, at \$900 each; one messenger; four assistant messengers; and three charwomen; in all \$128,440.

Mr. BINGHAM. On page 53, after the word "each," in line 13, there has been dropped out of the print of the bill a line or so, as follows:

Twenty-one expert counters, at \$800 each; eleven expert counters, at \$700 each.

Those words should come in there. In the sum total it is all right, but the printer left out these words.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 53, after the word "each," in line 13, insert:

"Twenty-one expert counters, at \$800 each; eleven expert counters, at \$700 each."

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Territory of Arizona: For governor, \$3,000; chief justice, and four associate judges, at \$3,000 each; secretary \$1,800; interpreter and translator in the executive office, \$500; in all \$20,300.

Mr. SMITH of Arizona. Mr. Chairman, I would like to ask the chairman of the committee or some member of it, what is allowed by law to the chief justice and associate justices of the Territory?

Mr. GILLET. I think it is \$3,000, the amount allowed in this bill.

Mr. SMITH of Arizona. If my memory serves me right, I think it is \$3,600. That, however, can be seen. But be it as it may, I offer an amendment on line 11, page 79, to strike out the

word "three" at the end of that line, and insert the word "five," and on line 14 strike out the word "twenty" and insert the word "thirty."

Mr. MACON. I make the point of order against that.

The CHAIRMAN. Wait until the amendment is reported. The gentleman from Arizona offers an amendment which the Clerk will report:

The Clerk read as follows:

On page 79, line 11, at the end of the line, strike out the word "three" and insert "five," so as to read "\$5,000;" and in line 14, strike out "twenty" and insert "thirty," so as to read "\$30,300."

Mr. MACON. I make the point of order on the amendment.

Mr. SMITH of Arizona. I hope the gentleman will withdraw it.

Mr. MACON. I will reserve it.

The CHAIRMAN. The Chair understands the gentleman from Arkansas to reserve the point of order.

Mr. SMITH of Arizona. If I can have the attention of the committee a moment I will be very much obliged. I hope to have the attention of my friend who makes the point of order especially against me, and trust he will see fit to withdraw it after my statement. The judges of the court of Alaska get \$5,000, and with not one-fourth the work to do that the judges of Arizona have.

Mr. MANN. And considering where they have to live.

Mr. SMITH of Arizona. And considering where they have to live, as the gentleman says, to which I take no offense.

Mr. MANN. I am talking about the other judges.

Mr. SMITH of Arizona. The judges of the courts of Arizona are not only judges of nisi prius, but also judges of the supreme court, a condition anomalous enough in itself. You can not wonder that we are everlastingly trying to get rid of Territorial government. Now, the judges there are trying cases involving hundreds of thousands of dollars—some cases have involved millions of dollars—and while the bench is a fair bench, some of the judges extraordinarily good lawyers, they are reduced to the pitiful sum of \$3,000 a year, which no man that keeps a respectable house to live in can possibly survive on. The result is that the Federal judges of necessity are forced to levy a tax for themselves, virtually, on the people of Arizona.

Mr. DRISCOLL. How?

Mr. SMITH of Arizona. I am informed that our counties pay the judges for going to the counties, supply them with places to live, give them money out of the county treasury, in order to keep them out of debt; and yet you hold them down to \$3,000 a year, when the judges in Hawaii get six and seven thousand, and in Porto Rico as much, and in Alaska five thousand a year, while Arizona and New Mexico only get \$3,000. There is no justice, there is no fairness, in it. And this committee ought to agree to permit these men to be decently paid.

Mr. GILLET. Will the gentleman allow me?

Mr. SMITH of Arizona. Certainly.

Mr. GILLET. I suggest that the proper forum is the Committee on the Judiciary, and if they should report in favor of a change in salary, then we would be glad to follow out the course that they decide on.

Mr. SMITH of Arizona. I am glad that the gentleman has made that suggestion. Why do you apply this rule to my amendment alone? Why did you not take that course with the other increases that you have made?

Mr. GILLET. Because these increases were for clerks.

Mr. SMITH of Arizona. But why do you raise their salaries without submitting it to some committee having jurisdiction?

Mr. GILLET. Because the law practically allows our committee to make them.

Mr. SMITH of Arizona. Why was not the point of order raised by you gentlemen against those clerks as well as against these judges?

Mr. GILLET. They have been made to various items in this bill which have been stricken out.

Mr. DRISCOLL. Are these judges required to give all their time to their official duties?

Mr. SMITH of Arizona. Absolutely; and then can not get through.

Mr. DRISCOLL. Are there inferior courts in those courts?

Mr. SMITH of Arizona. They are the same judges.

Mr. DRISCOLL. Are there inferior courts? There are courts with special jurisdiction.

Mr. SMITH of Arizona. These courts have jurisdiction under the statute of all Federal cases arising in the district and circuit courts of the United States. They have jurisdiction, general jurisdiction, as trial judges for the trial of every case in the Territory, and the organic act of most of the Territories permits the Territory to have no other judges or other court of general jurisdiction.

Mr. CRUMPACKER. Will the gentleman allow a question? Does not the Territory of Arizona contribute something toward the salaries of the judges?

Mr. SMITH of Arizona. I say they have been forced to do it. That is what I am contending against. The judges, I have no doubt, would much prefer to have Congress provide a living salary.

Mr. TAWNEY. If the gentleman from Indiana will permit me, I do not think the gentleman from Arizona understood the question. He says the counties have been forced to do this. There is no contribution made under any existing Territorial law. What he means, I think, is voluntary contributions on the part of the people in the counties in which these courts are held.

Mr. CRUMPACKER. A good share of the work of the courts there is local in its nature, is it not—deciding controversies arising under Territorial laws—so that the people of the Territory would perhaps, equitably and justly, be required to pay?

Mr. SMITH of Arizona. It is impossible for me, with the confusion around me, to hear exactly what the gentleman from Indiana is saying; but catching enough of it, I will make this explanation: This is a Federal court, exercising Federal jurisdiction, both district and circuit. It is a court of general jurisdiction, having under it all cases arising in any ordinary nisi prius court or court of general jurisdiction of a State—a trial court. In addition to that they are the judges of the supreme court of the Territory, the inhibition being only that the judge who sat in the case below shall not sit in the case above on appeal. Now, these duties are on these men every day. The dockets are crowded, and \$3,000 a year is all that Congress allows them, while all other judges of the United States, everywhere else on earth, with one-half the duties, get twice the amount of salary.

Mr. CRUMPACKER. I agree with the gentleman that \$3,000 is not an adequate compensation for judges performing the important duties that these judges perform; but a substantial portion of the work is in the determination of controversies under the Territorial law.

Mr. SMITH of Arizona. That is true. And in order to meet that, I have a bill before Congress now permitting us to elect our own judges, and giving them jurisdiction of our own cases. We want to pay them ourselves, if we can get the privilege of choosing them ourselves.

Mr. DRISCOLL. Only a small portion of the work of these judges is done in the United States courts.

Mr. SMITH of Arizona. A very large amount.

Mr. DRISCOLL. But if Arizona was a State, there would be only one Federal judge instead of five. You would have to pay four of them out of your State funds.

Mr. SMITH of Arizona. We are perfectly willing to do that. We would gladly pay our own judges and leave the Federal Government to pay hers.

Mr. DRISCOLL. You can do it now, can you not?

Mr. SMITH of Arizona. What does the gentleman mean by the interrogatory? Is it possible that I have not made myself understood?

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Arizona. Yes.

Mr. MANN. I understood the gentleman to say that these judges eked out their salaries now by receiving voluntary contributions in addition to the salaries fixed by the Federal statutes. I should like to ask the gentleman from Arizona if that is the case.

Mr. SMITH of Arizona. We have a county government in the Territory, as you have in some of the States. The board of supervisors of the county levy and collect the taxes of the county. Each county has a county treasury. Every claim for an expense in the government of the county is collected through these boards of supervisors, and out of the taxes collected a certain per cent is sent to the Territorial treasury for the expenses of the Territory. Now, out of the funds collected from these taxes the boards of supervisors have been allowing a compensation that I said was voluntary. It has been allowed by these boards of supervisors to the judges of the United States district courts, and the reason, as suggested by my friend a moment ago, is because of the coming of the judges to the different counties to try the cases. We have no other court system except that. A compensation of \$5,000 a year by the Federal Government will not more than pay these men what they should have. We should not be required to pay when Alaska, Porto Rico, and Hawaii are not required or forced to pay for the very same service.

Mr. DRISCOLL. You have inferior courts, haven't you?

Mr. SMITH of Arizona. I do not know what the gentleman means. We have justices of the peace and probate courts, of course.

Mr. DRISCOLL. What is the jurisdiction of your justices of the peace?

Mr. SMITH of Arizona. Three hundred dollars.

The time of Mr. SMITH of Arizona having expired, by unanimous consent, at the request of Mr. GAINES of Tennessee, it was extended five minutes.

Mr. SMITH of Arizona. I have no personal reason for pressing this. The injustice that appears on its face from a mere statement of the facts seems to me enough to convince. The men ought to have enough to live on, and this is the only way they can get it. The gentleman should appreciate the condition of a Delegate on the floor. If I am relegated to any committee to get a matter out increasing the salary, my only means of getting it is by unanimous consent, and the gentleman knows that I will never get that done at this session of Congress. I have no other means of appealing to this House except by amendment of this bill. Unarmed and helpless as we are, I can only appeal to the justice of the Members of the House to do to these people what they have done to every other Territory in the United States of America. We do not ask you to give as much as you have given to others. These men are each doing more work than any other five judges in the other courts of our territorial possessions.

I ask that this amendment be adopted, and I hope that my friend from Arkansas will withdraw his point of order. It is an easy matter to strike my amendment down by raising the point of order, but it is hard on those against whom it will fall.

Mr. MANN. Are these contributions which are made by different counties made in pursuance of law in any way?

Mr. SMITH of Arizona. I believe they are in violation of law; that is my opinion.

Mr. MANN. They are certainly in violation of law unless they are in pursuance of law; and in violation of morals for a judge to accept money outside of his salary unless it is in pursuance of some law.

Mr. SMITH of Arizona. That is the very matter I am calling to the attention of the House. In this particular instance I see no reason for casting severe criticism on these judges. They have to travel long distances; county seats are 100 miles apart or more; they have to travel back and forth and hold court three weeks or a month away from home—sometimes nights and days—at this pitiable salary.

Mr. MANN. I have no desire to criticize these men. The criticism would be on Congress, and possibly, primarily, on my friend from Arizona for not having brought it to the attention of the Committee on Territories. And yet, I have never found him lacking in zeal in anything that pertained to the Territory of Arizona.

Mr. SMITH of Arizona. I do not think the Committee on Territories would have jurisdiction of the salaries of judges. I have now had referred to committees five or six or seven bills, and if I get one through I shall be delighted. I hope the gentleman from Arkansas will withdraw his point of order.

Mr. MACON. Mr. Chairman, I believe I live in as good a State as is the Territory the gentleman lives in. I know the supreme judges of our State are as high grade of lawyers as any judges who ever sat on a Territorial bench in Arizona.

Mr. GAINES of Tennessee. How many have resigned from that bench?

Mr. MACON. About one out of twenty.

Mr. GAINES of Tennessee. Who were they?

Mr. MACON. Judge Hemenway was one and Judge Cockrell was another.

Mr. GAINES of Tennessee. Why did they resign?

Mr. MACON. Because they were offered partnerships that guaranteed them salaries of at least \$10,000 per annum. These Territorial judges would do the same thing even if their salaries were raised to \$5,000. But, Mr. Chairman, in the State of Arkansas, where we may be benighted, may be parsimonious, may be behind the times, we have managed to get along very well and have had a first-class supreme bench all the time. Any lawyer who will take the trouble to digest the thoughts that have been advanced by the judges of the supreme court of Arkansas as disclosed by their learned decisions will admit that our judges have been high-class lawyers. They have been receiving a salary of \$3,000 a year. They have not resigned because they could not live on \$3,000 per annum, but because they were offered better paying positions, just as a certain Senator resigned last year because he was offered a more lucrative position, and just as Members

of this House have resigned since I have been here, because they were offered positions that enabled them to make more than their salaries here.

While I would be glad to better the condition of every man, woman, and child in this world, if I could, I can not consistently go about the task by permitting increases of salaries of some of them on appropriation bills, while the others bear the extra burden caused thereby, but receive none of the benefits.

Mr. SMITH of Arizona. Mr. Chairman, I would ask my friend if the consistency of his course is so unbending and unyielding that he would feel the absolute necessity of enforcing it even in a case of mercy, in the case of something that appeals to him as a man—if consistency to an objection that he has the power to use will not yield to something that addresses itself to every man, as I know it sometimes addresses itself to him through the charity of his feelings, even though there be justice in the cause, if it will not appeal to him where there is urgent necessity? Here is a case where I am trying to do something that it is impossible to obtain in any other way; and although I recognize the greatness of the courts of Arkansas, yet when we compare the salaries received by the judges of courts in Porto Rico and in Alaska and in Hawaii and the Philippines and down here on the Isthmus, where they are getting twice as much—

Mr. MACON. Mr. Chairman, I will have to ask the gentleman to make his speech in his own time.

Mr. SMITH of Arizona. Oh, well, if I had known that I was interrupting the gentleman I would not have made any remarks.

Mr. MACON. While the gentleman appeals to me, still he does not convince me that I ought to surrender the position that I occupy, nor does he convince me that the judges in Arizona can not live comfortably on \$3,000 a year.

Mr. SMITH of Arizona. I want to say that if they can they are the only men who can do it.

Mr. MACON. Why, Mr. Chairman, I will guarantee that there are many thousands of men in the Territory of Arizona who have not an annual income of \$3,000. I know there are many of them in every State of this Union whose incomes do not even approach the sum of \$3,000. Again, as long as I know that first-class lawyers do occupy the positions they do in my own State and live on \$3,000 per annum, I can not help but believe that the judges in the Territory of Arizona can live comfortably upon \$3,000 per annum. The gentleman compares Alaska with Arizona. I want to say, Mr. Chairman, that if it were left to me to go to Alaska to try to live on \$5,000 per annum or to Arizona to try it on \$3,000, I would give something to boot in order to go to Arizona instead of Alaska. Why, sir, the fuel in Alaska and the extra clothing would more than consume the difference in the salary. I can not reconcile that kind of a comparison at all, and I therefore insist upon my point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I always listen with a great deal of pleasure to what my good friend from Arizona [Mr. SMITH] says in this House, and I always listen with pleasure to what my friend from Arkansas [Mr. MACON] says; but I did not hear all the gentleman from Arizona said, though I tried hard to do so—but what I thought I heard shocked me profoundly, and hence I speak. I heard it said by some one on this side that voluntary contributions were made by the people to these judges to help them along. Mr. Chairman, that, I repeat, shocked me very much, as it did the gentleman from Illinois [Mr. MANN], for above all departments, State and national, our courts should be kept above even the suspicion of accepting gifts under any circumstances, unless they are gifts of actual charity. Here is a system which it seems has grown up in that little Territory, where the judges are so "hard up," to use a short expression, that it appeals to the people who may be litigants in the court, and they, out of their kindness of heart, are actually helping to take care of the judges who enforce the law of the land—the laws that we make, the laws for that Territory, and the Federal laws. Yet Congress sits here and permits that condition to continue! Suppose we had that condition with the Supreme Court of the United States or in the States? I believe there are prohibitions against the President and other representatives of the American Government—words in the Constitution—against accepting gifts from foreign nations. Certainly, the people over whom a court presides should not be permitted to hand gifts to the court. It makes no difference how kindly it may be intended, they should not be permitted to give gifts to the judges, except those of actual charity in dire distress, where it is known as an act of charity. Certainly that system should not obtain or continue. Yet we are confronted here to-day with what seems to me is that condition, and it shocks me, heart and head, and I am satisfied that if my friend from Arkansas [Mr.

MACON] had clearly heard the statements made that this was about the condition in this Territory before he took the firm position that he has taken in this matter, he, with his keen sense of justice—for he is a just man, one of the most watchful men in this body or that ever was in it, and as honest a man as the day is long—would not insist upon that position. Here we are sitting to-day—and he now is to blame—and I want to call his attention to that fact, and I hope I will have the gentleman's attention—

Mr. MACON. I am listening.

Mr. GAINES of Tennessee. We are sitting here to-day and continuing that system in that great Territory that we voted to make a State of this Union only a few months back.

Mr. MACON. And I will vote to do it again.

Mr. GAINES of Tennessee. And why? Because of a carpet-bag government, to be short, out there, a carpetbag system, the best we can have in a Territorial government, and yet this condition in that great struggle was not developed. I have never heard of it before until it fell from the lips of my faithful friend and patriot the statesman from the great Territory of Arizona [applause], MARCUS A. SMITH—a man who is incapable of doing wrong, as much so, I believe, as any man who lives. [Applause.]

I hope if it is the unwisdom of the Republican party—I do not want to mix politics with this—to keep that little Territory out of the Union that MARK SMITH will live a thousand years and cheat you out of an opportunity to keep him out of the United States Senate. [Applause.] I do not know a man in Arizona but MARK SMITH. I know some of my unfortunate constituents had to go to that salubrious climate to try and regain their health, and they found enough fresh air and enough hospitable people to help take care of them and send them back restored in a great measure to health.

Mr. DRISCOLL. Is that the usual custom, to go out there for their health and get \$3,000 additional? Is not that good pay?

Mr. GAINES of Tennessee. I was speaking of victims of consumption who went out there. I say, sir, that \$3,000 is not enough, if these statements are to be believed. It is not an agricultural country, as I understand it, and the cost of living is very high. If it is not enough for those judges to live on, Mr. Chairman, and work as long as they do—and the people of the Territory must help them out, whether it is a house they let them have, or something else—I say to my friend from New York, whose judges get about \$17,000 yearly, and sit upon the bench for fifteen years, I say to him and to this great committee, that it will be a sad commentary upon the American Congress that we let the sun of heaven go down this evening because of a mere technicality and continue that system that will reflect upon the judiciary and reflect upon this magnificent body of lawmakers. [Applause.] I appeal to my friend from Arkansas to withdraw the little technicality that so often defends virtue and not let what seems to be a vice continue out in the little Territory of Arizona.

Mr. MACON. I want to say, sir, that I am using no technicality—

Mr. GAINES of Tennessee. Well, then, a rule.

Mr. MACON. I am keeping within my prerogatives here as a Representative, occupying as lawful grounds—

Mr. GAINES of Tennessee. I understand that, sir.

Mr. MACON. And I want it understood that it is not upon technical grounds—

Mr. GAINES of Tennessee. Well, I understand that—

Mr. MACON. But I am doing it because I believe it is right.

Mr. GAINES of Tennessee. It is a mere rule, and by withdrawing your objection, by taking down your hand as it were, this can be passed, and I am satisfied that this body sitting here, appalled by this condition in Arizona, will vote to put the proposition in the bill. I appeal to the gentleman now to withdraw his objection.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MACON. Mr. Chairman, it is strange to me that a Representative can not undertake to discharge his duties as he sees them, when he keeps himself clearly within the pale of the law and the rules of the House, without some one feeling called upon to lecture him about what he is doing.

Mr. GAINES of Tennessee. I want to assure my friend I was not trying to lecture him. The gentleman knows there is nobody in this House who thinks more kindly of him than I do and believes that the gentleman's sense of his obligations to his duties is as high as anybody's could be.

Mr. MACON. Mr. Chairman, flowers never take the place of food. Bouquets may be beautiful to look at, but they are not substantial enough to exist upon, and hence to throw a bouquet

at me in one breath and criticise my course in another does not appeal to me perhaps as the gentleman would like for it to do.

Whenever I seek to violate the law of the land or the rules of the House, or trample upon the prerogatives or rights of other Members upon the floor, then gentlemen can criticise me for it, but when I have pursued a consistent and legal course concerning matters of legislation here, I deny gentlemen the right to lecture me upon the subject of my duties as a Representative. I do not treat them that way, and I demand as fair treatment from them as I accord to them.

Mr. SMITH of Arizona. Mr. Chairman, I move to strike out the last two words. I am afraid that a false impression has gone out and that my friend from Tennessee [Mr. GAINES] has not understood that this pay of the judges, coming through the taxing power of the Territory, is very like the pay of judges coming through a State transacting its business through the taxing power of the State. It is not like receiving alms or charity so much as it is a recognition by the Commonwealth of the necessity of preserving its good order and trying to have it done without throwing the judge in debt on his job.

Therefore, I make this explanation, in order that no false impression may go forth as to that. The judges in receiving those contributions from the counties, passed by the board of supervisors, are receiving it from exactly the same source that the sheriff received it who waited on the court or that the clerk of the court received it from; and it naturally strikes one, as it struck my friend from Tennessee [Mr. GAINES] and the gentleman from Illinois [Mr. MANN], with the impression that they were receiving information that would shock the sense of morality.

Mr. KEIFER. I want to inquire whether these payments made from the treasuries of the counties are made in pursuance of the law of the Territorial legislature?

Mr. SMITH of Arizona. No, sir; and I do not think those payments are legal, my friend.

Mr. KEIFER. I was trying to get at it and see if they were. But you have county commissioners?

Mr. SMITH of Arizona. Boards of supervisors.

Mr. KEIFER. Do they pass a law, or do they have a power to pass a law, or rule, by which they pay this money?

Mr. SMITH of Arizona. They have no power to do it at all. They fix the rate of taxation and draw warrants on the taxes collected for payment of all just claims against the county. If they pay the judges anything there is no law for it that I know of.

Mr. KEIFER. There is no Territorial law authorizing them to do that?

Mr. SMITH of Arizona. No, sir. I think the national law, if I am not mistaken, prohibits it.

The CHAIRMAN. The attention of the Chair has not been called to any law which would authorize the appropriation called for in the amendment offered by the gentleman from Arizona. As he understands there is no such law, the Chair therefore sustains the point of order.

The Clerk read as follows:

For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office, for pay of members and officers of the legislative assembly, mileage, rent of rooms for the legislature and committees, furniture, stationery, printing, binding, fuel, lights, and incidentals, \$24,250.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is not often, Mr. Chairman, that I feel impelled to rise for the purpose of saying anything in defense of the Territory of Arizona in the presence of the very distinguished gentleman who so well represents that Territory. But it seems to me that the committee in reporting this bill has made an undue discrimination against the Territory of Arizona. There are in the bill three items for Territorial legislatures, one for Arizona, one for New Mexico, and one for Hawaii. And I notice that under the appropriation for Hawaii there is provided expenses of telephone; that under the appropriation for New Mexico there is provided expenses of telephone service, but that in Arizona there is no expectation of the use of telephone service, and I am sure that that is a discrimination which ought not to be permitted. Nay, more. In Hawaii there is provided expenses for ice and water; in New Mexico there is provided expenses for ice and water, but in Arizona it is not expected that the Territorial legislature will indulge in the use of either ice or water, and whatever may be the fact in reference to the legislature, it does not seem to me proper to put it in the law and call attention to the fact that the Territorial legislature of that Territory does not use water in its deliberations. And it seems to me that, if we provide money to pay for water and ice in Hawaii and money with which to buy ice and water in New Mexico, we ought to do the same in Arizona. Aye, further; although the appropriation for

Hawaii does not include the pay at all of the legislative body, they provide the amount of \$30,000 for the expenses of the legislature, while in the Territory of Arizona, including the pay of the legislature, they only provide the sum of \$24,250. I am sure that the expenses of the Territorial legislature of Arizona, with the immense distances that the gentlemen have to traverse in order to reach the capital of that Territory, with the great work that they have in hand, ought to be as great as the expenses of the legislature of Hawaii. And in order to assist my friend, and not require him alone and single-handed to fight all the battles of this great Territory, I raise my voice in protest against this discrimination.

Mr. SMITH of Arizona. Mr. Chairman, I do not know, but I appreciate it all the same, from what source my friend's kindness flows. It is only when you excite his appetite that he gets eloquent. We are willing out there to supply the water and ice and whatever else we want. Those are things we care very little for. We learned to do without it when you gentlemen were sitting in your quiet homes amid all the blandishments of civilization. These men learned to go days without it. No wonder we have good strong men out there—when you know through what they have gone—and when this Committee on Appropriations leaves them without any ice or water we care little about it. This presence will bear me witness that from the time I have been here—now nearly twenty years—I have been constantly attempting to increase the salaries of those judges, as well as the amount paid our legislators, and trying all that time to make the Committee on Appropriations give officers, at least, the amount allowed under the law—the salary which is provided. They do not even allow the officers the amount allowed by law. We have a law allowing the governor of the Territory \$3,600. That is the statute, and this committee allows him \$3,000, and will not give him any more. The gentleman speaks of telephones. I will only give you an idea on this same question of telephones. We are not behind in any function of progress. Do you know that in that vast area I can sit in my office at Tucson and talk over the telephone to nearly every town of importance and nearly every county seat in that Territory, which is as great in area as Indiana and Ohio and half of Illinois added. That is a development of their own. They have paid for every cent of it, and yet, while the Government has never given it, Arizona, a nickel, it has received millions of dollars from it. They have never paid back a cent, but they stand with a flaming sword at the door through which we are trying to enter into some portal of justice and right.

The Clerk read as follows:

WAR DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of War, \$12,000; Assistant Secretary, \$6,000; chief clerk, \$3,000; private secretary to the Secretary, \$2,500; clerk to the Secretary, \$2,000; stenographer to the Secretary, \$1,500; clerk to the Assistant Secretary, \$2,100; clerk to the chief clerk, \$2,100; disbursing clerk, \$2,500; appointment clerk, \$2,000; four chiefs of division, at \$2,000 each; superintendent of buildings outside of State, War, and Navy Department building, in addition to compensation as chief of division, \$250; chief telegrapher, \$1,800; four clerks of class 4; four clerks of class 3; fourteen clerks of class 2; eighteen clerks of class 1; five clerks, at \$1,000 each; one clerk, \$900; one clerk, \$720; one foreman, \$1,200; carpenter, \$1,000; chief messenger, \$1,000; one carpenter, \$900; one skilled laborer, \$900; six messengers; seven assistant messengers; one telephone switch-board operator; one assistant telephone switch-board operator; two messenger boys, at \$360 each; engineer, \$900; assistant engineer, \$720; one fireman; four watchmen; five watchmen, at \$660 each; eight laborers; two laborers, at \$470 each; hostler, \$600; two hostlers, and one watchman, at \$540 each; one messenger boy, \$480; two elevator conductors, one at \$600 and one at \$470; four charwomen; in all, \$144,060.

Mr. MACON. Mr. Chairman, I make the point of order against the increase of the Assistant Secretary's salary, on page 82, lines 3 and 4, from \$4,500 to \$6,000.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. BINGHAM. No.

The CHAIRMAN. The Chair sustains the point of order. Mr. BINGHAM. I offer the following amendment, on page 82, line 4, change the print from \$6,000 to \$4,500.

The Clerk read as follows:

Line 3, after the word "dollars," insert "Assistant Secretary, \$4,500.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

NAVY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Navy, \$12,000; Assistant Secretary of the Navy, \$6,000; chief clerk, \$3,000; private secretary to Secretary, \$2,500; clerk to Secretary, \$2,250; disbursing clerk, \$2,250; four clerks of class 4; stenographer, \$1,800; one clerk of class 3; three clerks of class 2; four clerks of class 1; stenographer, \$1,200; one clerk, \$1,100; four clerks, at \$1,000 each; telegraph operator, \$1,100; two copyists; carpenter, \$900; four messengers; five assistant messengers (including one transferred from Bureau of Navigation); one laborer; three messenger boys, at \$600

each: one messenger boy, \$420; one messenger boy, \$400; one telephone switch-board operator; one assistant telephone switch-board operator; in all, \$69,260.

Mr. MACON. Mr. Chairman, I make the point of order against the words "six thousand dollars," in line 14, page 95, it being an increase of salary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. I offer the following amendment: On line 14, page 95, strike out "six thousand" and insert "four thousand five hundred."

The Clerk read as follows:

Page 95, line 13, after the word "dollars," insert "Assistant Secretary of the Navy, \$4,500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of Naval Records of the Rebellion: For chief clerk, \$2,000; one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, \$1,800; three clerks of class 2 (including one transferred from Bureau of Yards and Docks); two clerks of class 1; two clerks at \$1,000 each; two copyists; copyist, \$720; one assistant messenger; necessary traveling expenses for collection of records, \$100; in all, \$15,740.

Mr. WILLIAMS. Mr. Chairman, on page 96, after the word "Docks," in line 16, I move to insert the words "one clerk of class 2, indexer."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, line 16, after the word "Docks," insert "one clerk of class 2, indexer."

Mr. WILLIAMS. Mr. Chairman, I will give a brief explanation of that amendment. There has been for years detailed from the Government Printing Office to the Navy Department a man who has done the work of indexing the Navy and Army rebellion records, as they are called. He receives his appointment from one arm of the Government and does his work in another. The Bureau has recommended the adoption of the amendment. In a conversation with the President of the United States, he thought, as I do, that this man's place ought to be rendered stable and, I understand, suggested substantially this amendment. The man who has been doing the work was a man whose work was known to him very well during the term of his service as Assistant Secretary of the Navy, and the object of the amendment is to give the man responsibility in the Department where his work is.

The committee did not adopt the recommendation, because I think it was not sufficiently insisted upon, but I hope the committee will not object to it now. Of course I know it is subject to a point of order if the point of order should be made.

The amendment was agreed to.

Mr. WILLIAMS. Mr. Chairman, in order to make this right, on page 96, line 20, the total of \$15,700 should be changed to \$17,100. Of course the transfer of this man from one arm to the other increases the aggregate of this paragraph.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, line 20, strike out "\$15,700" and insert "\$17,100."

The amendment was agreed to.

Mr. GILLET. Mr. Chairman, to save time, I ask unanimous consent that the Clerk be authorized to change all totals in the bill incident to any amendments that are made.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the Clerk be authorized to change the totals to correspond with the action of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; and the best routes to be followed by steam and by sail; including the expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, \$2,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. There is no provision of law, although that has been the custom, authorizing the publication of the monthly Pilot Chart of the North Pacific Ocean. If there be a provision of law requiring the Government to publish a bulletin telling the directions and forces of the winds to be expected during the month succeeding the date of issue, it is very important legislation, because, if we could, by legislation, ascertain what the direction and force of the winds would be next month,

it would be of great value to us all; also, if the regions of storm, fog, and ice during the next month could be determined by law, that would be of exceedingly great value. I think there is no provision of law for it. It is a useless publication. It may have been of benefit at one time, but the routes to be followed by steam and sail vessels have long been laid out, and do not require to be published every month.

Mr. GILLET. Mr. Chairman, this is an appropriation which has been in the bill year after year. The exact usefulness of it I am not prepared to enlighten the gentleman about; but as to the point of order, this is a monthly chart which has been published for several years. It is a regular Government publication, a work now in progress, and it seems to me that the continuation of it is proper upon an appropriation bill. I suppose the gentleman will not deny that it is a work which we have had year by year, which is now being published, and that this is a mere continuation of what is now going on.

Mr. MANN. I will not deny that this monthly pilot chart of the North Pacific Ocean has been published for a good many years, but I do not think that requires that it shall be continued. It is not a work in progress. It is ended each month when it is published. That is the end of that month's work. Certainly that would be a very broad definition of a work in progress. The necessity for it has long since ceased, or I would not make the point of order.

Mr. GILLET. As to the necessity of it, I am not disposed to argue, for I do not know about it.

Mr. MANN. Of course that has nothing to do with the point of order.

Mr. GILLET. No, that has nothing to do with the point of order; but the Hydrographic Office is in existence, which is appropriated for upon the two preceding pages. There is a large force of clerks. There is an appropriation of \$100,000 for this office. This appropriates for publishing results worked out by this office, and as a mere publication of results of the work of this office, it seems to me it is in order.

Mr. MANN. The Hydrographic Office is engaged in quite another work. It is engaged in important work. This is not a necessary part of the work of the Hydrographic Office at all.

Mr. GILLET. I think I can cite a statute authorizing this, if the Chair desires it.

The CHAIRMAN. The Chair would be glad to have his attention called to that, because the Chair will state frankly that he hardly thinks the appropriation is authorized on the ground that it is a continuing work in progress.

Mr. GILLET. I call the attention of the Chair to section 432 of the Revised Statutes, as authorizing the publication.

The CHAIRMAN. Section 432 is as follows:

SEC. 432. The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.

Mr. MANN. Permit me to call your attention to the fact that this entirely changes the discretion of the Secretary of the Navy in that regard, and requires him to publish a chart giving particularly the directions and forces of the winds to be expected during the month succeeding the date of issue, the set and strength of the currents, the regions of storm, fog, and ice, which is not provided for in the law, but entirely overrules his discretion, and hence is a change of existing law.

Mr. GILLET. On the contrary, Mr. Chairman, although the law does not set forth all the details, the law makes a general provision and does not compel the Secretary to publish the chart, but simply makes an appropriation for that purpose.

Mr. MANN. It does compel him to publish it.

Mr. GILLET. It appropriates for a monthly chart; it does not compel him to publish it.

Mr. MANN. It compels him, if he does publish it, to do something without his discretion; he has to insert something new. This takes away the discretion he has under the law and compels him to show certain things which it is impossible for anybody to know.

Mr. ENGLEBRIGHT. Mr. Chairman, the gentleman calls attention to that portion relating to the direction and course of the winds to be expected during the month succeeding the day of issue. It is a well-known fact that on the ocean there are certain winds to be expected at certain times of the year, and a study of those subjects gives these officers an opportunity to draw very good conclusions as to what winds are to be expected during the succeeding month.

Mr. MANN. Do these winds change each year? Does the

information have to be published every year telling what the prevailing winds are?

Mr. ENGLEBRIGHT. The idea is that these officers, from what they observe the preceding year, get new ideas, and these should be brought to the attention of the navigators.

The CHAIRMAN. The pending paragraph appropriates money for the publication of a monthly pilot chart of the North Pacific Ocean, which, if published, is to include certain things specified in the paragraph, thereby seeming to the Chair to limit the discretion which is vested in the executive officer by section 432, to which the attention of the Chair is called. The Chair thinks it would be possible to appropriate money for publishing a monthly pilot chart of the North Pacific Ocean, but in making the appropriation the directions set forth can not be embodied. The Chair therefore sustains the point of order.

The Clerk read as follows:

For repairs to main building, \$5,000.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee determined to rise, and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16882, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4922. An act providing for the platting and selling of the south half of sec. 30, T. 2 N., R. 11 W. of the Indian meridian, in the State of Oklahoma, for town-site purposes—to the Committee on Public Lands.

S. 5155. An act authorizing the exchange of lands for the enlargement of maneuvering grounds—to the Committee on Military Affairs.

S. 359. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico—to the Committee on War Claims.

S. 652. An act to create the office of captain in the Philippine Scouts—to the Committee on Military Affairs.

S. 2886. An act for the relief of the legal representatives of the late firm of Lapene & Ferre—to the Committee on War Claims.

S. 3342. An act to construct and place a light-ship opposite the entrance of St. Johns River, Florida—to the Committee on Interstate and Foreign Commerce.

S. 3778. An act for the relief of the Minnesota and Ontario Bridge Company—to the Committee on Claims.

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

S. 4289. An act for the relief of the people of Hartshorne, Okla.—to the Committee on Private Land Claims.

S. 4541. An act to authorize the sale of 640 acres of the lands of the Cheyenne and Arapaho Agency and the Arapaho school, Oklahoma, and the use of the proceeds thereof—to the Committee on Indian Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 14766. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes.

COMMITTEE ON MINES AND MINING.

Mr. HUFF. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution:

The Clerk read as follows:

Resolved, That the Committee on Mines and Mining be authorized to have such printing and binding done as may be required in the transaction of its business.

The resolution was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 15669) to provide for the construction of dams, canals, power stations, and locks for the improvement of navigation and development of water power on the St. Lawrence River at or near Long

Sault Island, St. Lawrence County, N. Y., was changed from the Committee on Foreign Affairs to the Committee on Rivers and Harbors.

ADJOURNMENT.

And then, on motion of Mr. BINGHAM (at 5 o'clock and 3 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Elijah Warren against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Davis against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Paris P. Henderson against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Abby C. McNett, widow of Andrew J. McNett, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary L. Scott, widow of Pleasant S. Scott, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jane H. Haynes, widow of Charles H. Haynes, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret Bloom, widow of Andrew S. Bloom, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for equipment of coast artillery, organized militia—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for expenses of the Public Health and Marine-Hospital Service—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for maintenance of the leprosy hospital, Hawaii—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Civil Service Commission submitting an estimate of appropriation for printing and binding—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, relating to enlarged accommodations for the Bureau of Engraving and Printing—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16964) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona, reported the same without amendment, accompanied by a report (No. 899), which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the House (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, reported the same with amendment, accompanied by a report (No. 900), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. C. Res. 17) that the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama, be accepted in the name of the United States and the thanks of Congress be tendered the State for the same, reported the same without amendment, accompanied by a report (No. 901), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 10413) granting a pension to Ferdinand P. Larkin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10899) granting an increase of pension to John Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 17136) to make October 12 in each year a public holiday, to be called "Columbus Day"—to the Committee on the Judiciary.

By Mr. RODENBERG: A bill (H. R. 17137) relating to conspiracies, restraining orders, injunctions, contempts of court, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 17138) to establish a fish-hatching and fish-culture station in Monroe County, State of Illinois—to the Committee on the Merchant Marine and Fisheries.

By Mr. WATKINS: A bill (H. R. 17139) to establish a fish-hatchery and fish-cultural station in the State of Louisiana—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVENPORT: A bill (H. R. 17140) to provide for approval and ratification of sales of certain lands in partition suits in the Quapaw Indian Agency, Ottawa County, Okla., and deeds made therein—to the Committee on Indian Affairs.

By Mr. HULL of Iowa: A bill (H. R. 17141) to accord to enlist men of the Army, Navy, or Marine Corps, and their wives, the right of burial in any national cemetery—to the Committee on Military Affairs.

By Mr. DENBY: A bill (H. R. 17142) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China, and prescribing the jurisdiction thereof—to the Committee on Foreign Affairs.

By Mr. GILL: A bill (H. R. 17143) authorizing the Secretary of Commerce and Labor and the Light-House Board to purchase and to establish lighted buoys at the entrance of the Chesapeake Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: A bill (H. R. 17144) providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. FRENCH: A bill (H. R. 17145) authorizing States and Territories to select lands in lieu of lands included within forest reserves—to the Committee on the Public Lands.

Also, a bill (H. R. 17146) providing for the compensation of States and Territories for lands included within forest reserves—to the Committee on Appropriations.

By Mr. WILEY: Joint resolution (H. J. Res. 138) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes—to the Committee on Military Affairs.

By Mr. CHANEY: Resolution (H. Res. 238) for the payment of an additional messenger in charge of the House telephone—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 17147) granting a pension to John Lilley—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 17148) granting an increase of pension to Adam Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17149) granting an increase of pension to Freeman Burk—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 17150) granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 17151) for the relief of heirs of John W. Stallings, deceased—to the Committee on War Claims.

By Mr. BOWERS: A bill (H. R. 17152) for the relief of heirs of John W. Ford, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 17153) granting an increase of pension to Samuel A. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17154) granting an increase of pension to Michael Wilkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17155) granting a pension to Louiza J. Thompson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 17156) granting a pension to Jacob L. Crim—to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 17157) granting an increase of pension to Elijah Tharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17158) to pay the estate of Anna Irons, deceased, for beef cattle furnished United States Army during the war of the rebellion—to the Committee on War Claims.

Also, a bill (H. R. 17159) to pay the heirs of Mrs. E. L. Eblin, formerly Mrs. E. L. McElrath, for the rent of a saw and grist mill from January 1, 1864, to June 30, 1865, rented for the use of and used by the Federal forces in McMinn County, Tenn., the sum of \$21,200, with interest from the said last-named date at the rate of 6 per cent per annum—to the Committee on War Claims.

Also, a bill (H. R. 17160) granting a pension to John T. Biggers—to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 17161) for the relief of Julia Ryan—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 17162) granting an increase of pension to John Dammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17163) granting an increase of pension to Henry Phelps—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 17164) for the relief of the heirs of W. D. McDowall, deceased—to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 17165) granting an increase of pension to George W. Nertz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17166) granting a pension to Sadie Doan—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17167) authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land from the United States—to the Committee on Indian Affairs.

By Mr. FULTON: A bill (H. R. 17168) granting an increase of pension to Benjamin Harris—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 17169) granting a pension to Providence S. Ludlam—to the Committee on Pensions.

By Mr. MCGAVIN: A bill (H. R. 17170) granting an increase of pension to Edward Mackin—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 17171) for the relief of Benjamin F. Curry—to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 17172) for the relief of R. F. Pippin, of Putnam County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 17173) for the relief of the estate of Mrs. Elizabeth Boyers, née Solomon—to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17174) for the relief of the heirs of Edmund Floyd Greenwood—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 17175) granting an in-

crease of pension to Samuel Godsey—to the Committee on Pensions.

Also, a bill (H. R. 17176) granting an increase of pension to John Townsend—to the Committee on Pensions.

Also, a bill (H. R. 17177) granting a pension to A. H. Symphon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting a pension to James H. Gilley—to the Committee on Pensions.

Also, a bill (H. R. 17179) for the relief of the legal representatives of John Clark—to the Committee on War Claims.

Also, a bill (H. R. 17180) for the relief of John J. Sewell—to the Committee on War Claims.

Also, a bill (H. R. 17181) to correct the military record of C. W. I. Pugh—to the Committee on Military Affairs.

Also, a bill (H. R. 17182) to correct the military record of Nelson Joseph—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 17183) granting a pension to Elizabeth Steele—to the Committee on Pensions.

By Mr. LAW: A bill (H. R. 17184) for the relief of Peter Claude—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 17185) for the relief of heirs of Zebudee Slaton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17186) for the relief of heirs or estate of Andrew J. Casey, deceased—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 17187) granting a pension to Ellen Waters—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 17188) granting an increase of pension to Timothy C. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17189) granting an increase of pension to Joseph Thompson—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 17190) granting a pension to James F. Flynn—to the Committee on Pensions.

By Mr. MCGUIRE (by request): A bill (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees, under treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes—to the Committee on Indian Affairs.

By Mr. McHENRY: A bill (H. R. 17192) granting a pension to Harry W. Albeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17193) granting a pension to Everett M. Letts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17194) granting an increase of pension to William J. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17195) to restore the pension of J. Boyd Robinson, late a sergeant of Company G, Tenth Regiment Pennsylvania Reserve Volunteer Corps—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 17196) granting a pension to Daniel L. Barnes—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 17197) granting an increase of pension to Augustus Goeller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17198) granting an increase of pension to Minor H. Greene—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 17199) for the relief of the estate of John W. McKissock, deceased—to the Committee on Claims.

Also, a bill (H. R. 17200) for the relief of the estate of David H. Hays, deceased—to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 17201) granting an increase of pension to Adna T. Cushman—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17202) granting an increase of pension to Elias D. Carnahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17203) granting an increase of pension to James M. Reed—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 17204) granting a pension to Thomas M. Bellomy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17205) granting a pension to John M. Hyden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17206) for the relief of Almaren Owens, sr.—to the Committee on Claims.

By Mr. SPIGHT: A bill (H. R. 17207) for the relief of heirs or estate of T. H. P. Morton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 17208) for the relief of estate of Mrs. Jerusha Harrison, deceased—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 17209) granting a pension to John Todd—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 17210) to authorize the

President of the United States to appoint Benjamin F. Clayton captain of infantry in the Army and to place him on the retired list—to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 17211) to validate a military bounty-land warrant location made by Horace E. Bemis—to the Committee on the Public Lands.

By Mr. WOOD: A bill (H. R. 17212) granting an increase of pension to Gilbert M. Everham—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 17213) granting an increase of pension to William Coombes—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of International Brotherhood of Stationary Firemen, Local No. 11, Buffalo, N. Y., for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. BARTLETT of Georgia: Paper to accompany bill for relief of heirs of John W. Stallings—to the Committee on War Claims.

By Mr. BATES: Petition of Musicians' Protective Association, No. 103, of Erie, Pa., for recognition of civilian musicians in United States Army—to the Committee on Military Affairs.

Also, petition of Cigar Makers' Union, No. 107, of Erie, Pa., for building battle ships in United States navy-yards—to the Committee on Naval Affairs.

Also, petition of Keystone View Company, of Meadville, Pa., for amendment to copyright bill—to the Committee on Patents.

Also, petition of Merchants' Association of Portsmouth, Va., for building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of Pattern Makers' Association of Erie, Pa., favoring building battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. H. Mahle and Eli Barton, of Corry, Pa., for a national registration law for automobiles—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Petition of Ware County Medical Society, for laboratories by United States for study of criminology—to the Committee on the Judiciary.

By Mr. BOWERS: Paper to accompany bill for relief of heirs of John W. Ford—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Woman's Christian Temperance Union of Auburn, Me., against use of mails for distribution of advertising matter for intoxicating liquor—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of Pilots' Association of the Bay and River Delaware, for H. R. 6169—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of John B. Creighton, favoring H. R. 4375 and 4377, for pensions for widows and children of Doctors Lazear and Carroll—to the Committee on Pensions.

Also, petition of National Funeral Directors' Association, against custom of burial at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHANEY: Paper to accompany bill for relief of Louiza J. Thompson—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of Dawson Grange and citizens of Fayette County, Pa., for S. 3152, protection of dairy interest—to the Committee on Agriculture.

Also, petition of D. R. Reynolds, in favor of Kittredge copyright bill (S. 2900)—to the Committee on Patents.

Also, petition of Farmers' Institute of Somerset County, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. T. Powell and Grand Army of the Republic Association, of Philadelphia, against abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: Petition of mass meeting of citizens of Indiana Harbor, Ind., for appropriation to improve the harbor of that place—to the Committee on Rivers and Harbors.

Also, petition of A. Orth Behin et al., of Lafayette, Ind., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. DAVIS of Minnesota: Resolutions adopted by the National German-American Alliance, relative to immigration—to the Committee on Immigration and Naturalization.

Also, memorial of Merchant Tailors' National Protective Association, indorsing H. R. 534, relating to industrial education—to the Committee on Education.

Also, petition of Michael Cook Post, Grand Army of the Republic, of Faribault, Minn., for the Lafean bill—to the Committee on Invalid Pensions.

Also, petition of National German-American Alliance, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DAWSON: Petition of 223 citizens of Clinton for a system of pensions for aged persons—to the Committee on Pensions.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

* By Mr. DUNWELL: Petition of Frank E. Pearsall, against amendment of copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of National German-American Alliance, against immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of T. B. Walker, for currency legislation—to the Committee on Banking and Currency.

By Mr. DUREY: Petition of J. C. Worley, of Ballston, N. Y., against amendment of copyright law as regards photographers—to the Committee on Patents.

By Mr. FITZGERALD: Petition of National Funeral Directors' Association, for legislation to prevent burial at sea—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Downtown Taxpayers' Association, for construction of a battle ship at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of George Rawlings—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Papers to accompany bills for relief of Samuel Lyda, Catharine Lyda, and Frances L. Ferguson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Irvin—to the Committee on Pensions.

By Mr. FOCHT: Paper to accompany bill for relief of David M. Wiswander—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of New York Post-Office Laborers' Protective Association, for increase of pay—to the Committee on the Post-Office and Post-Roads.

Also, petition of Paint Manufacturers' Association of the United States, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of Edward H. D. Couch, for travel pay as an officer of the United States Volunteers for war service in the Philippines—to the Committee on War Claims.

By Mr. HIGGINS: Petition of Companies I and L, First Infantry, and Company E, Second Infantry, Connecticut National Guard, favoring H. R. 14783, for promotion of efficiency of the militia—to the Committee on Militia.

Also, petition of Germania Lodge, Sons of Hermann, of Norwich, Conn., against prohibition or interstate-commerce liquor measures now before Congress—to the Committee on the Judiciary.

Also, petition of Business Men's Association of Willimantic, Conn., against any changes in the present parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Charles K. Payne, jr.—to the Committee on Invalid Pensions.

By Mr. HUFF: Papers to accompany House bill for the relief of Harry Kimmell, to be placed on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Petition of Army and Navy Union, of Erie, Pa., for increase of pay of officers and enlisted men in Army and Navy—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of women of Boston, for legislation providing for a 1-cent 2-ounce general letter post and for a cheap rural post—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. B. Clark Company, of Boston, against increase of census clerical force save in compliance with civil-service rules—to the Committee on the Census.

Also, petition of National German-American Alliance, against change in immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of East Asiatic Society of Boston, for joint resolution No. 90, relative to consular establishments in China, Japan, and Korea—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of W. G. Mendeleville, of Lowville,

N. Y., against amendment of copyright law as regards photographers—to the Committee on Patents.

By Mr. LEE: Paper to accompany bill for relief of heir of James Freeman—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of Samuel H. Harrington and others, for pension legislation granting \$30 per month to all Union soldiers—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Ellen Waters—to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Ambrose M. Phelps—to the Committee on Invalid Pensions.

By Mr. PATTERSON: Paper to accompany bill for relief of Mathew Ready, jr.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Mount Pleasant Baptist Church—to the Committee on War Claims.

By Mr. REEDER: Petitions of Homer Calvin et al. and Milo Robinson et al., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: Papers to accompany bills for relief of James Powell, Daniel Snively, and John McNevin—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany bills for relief of estate of Jerusha Harrison and estate of T. H. P. Morton—to the Committee on War Claims.

By Mr. STERLING: Papers to accompany H. R. 16851—to the Committee on Indian Affairs.

By Mr. STURGISS: Paper to accompany bill for relief of William D. Graham—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John Todd, Isaac D. Caldwell, Nelson Hendrick, Charles H. Keefer, R. A. A. Collins, John C. Dearing, and John M. Collins—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of George Murphy, against amendment in copyright bill inimical to photographers—to the Committee on Patents.

By Mr. WALLACE: Paper to accompany bill for relief of Horace E. Bemis—to the Committee on the Public Lands.

By Mr. WOOD: Petition of Mrs. C. B. Dickinson, for restoration of motto "In God we trust" to the coins—to the Committee on Coinage, Weights, and Measures.

Also, petition of G. G. Green, against amendment to pure-food and drugs act of June 30, 1906—to the Committee on Agriculture.

Also, petition of G. G. Green, against H. R. 11762, prohibiting distribution of advertising matter in the District of Columbia—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 15, 1908.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the deep and abiding patriotism which characterizes the American people and which insures the perpetuity of our Republic; that we are not unmindful of those who sacrificed themselves on a thousand fields in the service of their country. We are reminded of the brave men who, ten years ago to-day, went down to death on the ill-fated *Maine*.

Grant, O God, that their sacrifice may be an inspiration to the living; that our country is not only worth living for, but, if need be, it is worth dying for; that vigilance is not only the price of liberty, but it is the price of everything worth while.

Help us, therefore, to be patriots in times of peace and in times of war; and we most fervently pray, O God, that war shall never come to us again, but that we may live in harmony with each other and in peace with all the world; and Thine will be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SECOND-CLASS POSTAGE.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent to print as a document a communication addressed to me by the Third Assistant Postmaster-General relative to the attitude of the Department toward second-class mail.

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to inquire if the document is concerning Erastus Moore?

Mr. OVERSTREET. Not at all. I have had many inquiries, as other Members have, relative to the new rules of the service